

House Resolution

No. 1

Introduced by Assembly Member Cardoza

December 4, 2000

House Resolution No. 1—Relative to the Standing Rules of the Assembly for the 2001–02 Regular Session.

1 *Resolved by the Assembly of the State of California, That the*
2 following Rules be, and the same are hereby, adopted as the
3 Standing Rules of the Assembly for the 2001–02 Regular Session;
4 and be it further

5 *Resolved, That these rules shall govern the operations of the*
6 Assembly.

7
8 STANDING RULES OF THE ASSEMBLY

9
10 2001–02 REGULAR SESSION

11
12 I. LEGISLATIVE ORGANIZATION

13
14 Assembly General Officers

15
16 1. (a) The general officers of the Assembly are the following:

17 (1) Speaker

18 (2) Speaker pro Tempore

19 Assistant Speaker pro Tempore

20 Majority Floor Leader

21 Minority Floor Leader

22 (3) Chief Clerk

1 Sergeant at Arms

2 Chaplain

3 (b) Except for the officers listed in paragraph (2) of subdivision
4 (a), each officer listed in subdivision (a) shall be elected by a
5 majority vote of the duly elected and qualified Members.

6 (c) The Chief Clerk, subject to the approval of the Committee
7 on Rules, shall determine the names and titles that shall appear on
8 the front page of all publications.

9

10 Hours of Meeting

11

12 2. The Speaker, or, in his or her absence, the Speaker pro
13 Tempore, shall determine the time for convening the session,
14 unless otherwise ordered by a majority vote of the Members
15 present and voting.

16

17 Speaker to Call Assembly to Order

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19 3. The Speaker, or, in his or her absence, the Speaker pro
20 Tempore, shall, at the hour appointed for meeting, call the
21 Assembly to order.

22

23 Roll Call and Quorum

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25 4. Before proceeding with the business of the Assembly, both
26 of the following shall be completed:

27 (1) The roll of the Members shall be called, and the names of
28 those present shall be entered in the Journal. Forty-one Members
29 constitute a quorum.

30 (2) The presiding officer shall announce the names of all
31 Members who will be absent from that day's session and the reason
32 for their absence.

33

34 Organization of Assembly

35

36 5. For the purposes of the organization of any regular session
37 of the Assembly pursuant to Section 9023 of the Government
38 Code, the person who was the Speaker when the previous regular
39 session adjourned sine die, if he or she is reelected to the Assembly,
40 shall be deemed to be the senior member elect.



II. RULES

Adoption of Standing Rules

6. The adoption of the Standing Rules shall require an affirmative recorded vote of a majority of the duly elected and qualified Members. When once adopted, the Standing Rules shall remain in effect unless suspended or amended as provided in these rules.

Suspension of Rules

7. Unless specified otherwise in these rules, any standing rule of the Assembly not requiring more than a majority vote, except Rule 8, may be suspended temporarily by a vote of a majority of the Members of the Assembly. A rule requiring a two-thirds vote may be temporarily suspended by a two-thirds vote of the Members of the Assembly. A temporary suspension shall apply only to the matter under immediate consideration, and in no case may it extend beyond an adjournment.

Amending Standing Rules

8. No standing rule of the Assembly may be amended except by a resolution adopted by an affirmative recorded vote of a majority of the duly elected and qualified Members.

Mason's Manual

10. In all cases not provided for by the California Constitution, by the Assembly Rules, by the Joint Rules of the Senate and Assembly, or by statute, the authority shall be the latest edition of Mason's Manual.

III. ORGANIZATION OF COMMITTEES

Standing Committees

11. Twenty-seven standing committees of the Assembly are hereby created, upon the several subjects, and titled respectively,

1 as follows:

- 2
- 3 Aging and Long-Term Care
- 4 Agriculture
- 5 Appropriations
- 6 Banking and Finance
- 7 Budget
- 8 Business and Professions
- 9 Education
- 10 Elections, Reapportionment and Constitutional Amendments
- 11 Environmental Safety and Toxic Materials
- 12 Governmental Organization
- 13 Health
- 14 Higher Education
- 15 Housing and Community Development
- 16 Human Services
- 17 Insurance
- 18 Jobs, Economic Development, and the Economy
- 19 Judiciary
- 20 Labor and Employment
- 21 Local Government
- 22 Natural Resources
- 23 Public Employees, Retirement and Social Security
- 24 Public Safety
- 25 Revenue and Taxation
- 26 Rules
- 27 Transportation
- 28 Utilities and Commerce
- 29 Water, Parks and Wildlife

30

31 Open Meetings

32

33 11.3. (a) Except as otherwise provided in this rule, all
34 meetings of the Assembly or a committee thereof shall be open and
35 public, and all persons shall be permitted to attend the meetings.
36 As used in this rule, “meeting” means a gathering of a quorum of
37 the Members of the Assembly or a committee in one place for the
38 purpose of discussing legislative or other official matters within
39 the jurisdiction of the Assembly or committee. As used in this rule,
40 “committee” includes a standing committee, joint committee,



1 conference committee, subcommittee, select committee, special
2 committee, research committee, or any similar body.

3 (b) Any meeting that is required to be open and public pursuant
4 to this rule, including any closed session held pursuant to
5 subdivision (c), shall be held only after full and timely notice to the
6 public as provided by the Joint Rules of the Assembly and Senate.

7 (c) The Assembly or a committee thereof may hold a closed
8 session solely for any of the following purposes:

9 (1) To consider the appointment, employment, evaluation of
10 performance, or dismissal of a public officer or employee, to
11 consider or hear complaints or charges brought against a Member
12 of the Legislature or other public officer or employee, or to
13 establish the classification or compensation of an employee of the
14 Assembly.

15 (2) To consider matters affecting the safety and security of
16 Members of the Legislature or its employees, or the safety and
17 security of any buildings and grounds used by the Legislature.

18 (3) To confer with, or receive advice from, its legal counsel
19 regarding pending or reasonably anticipated litigation, or whether
20 to initiate litigation, when discussion in open session would not
21 protect the interests of the Assembly or committee regarding the
22 litigation.

23 (d) A caucus of the Members of the Assembly that is composed
24 of members of the same political party may meet in closed session.

25 (e) A closed session may be held pursuant to paragraph (3) of
26 subdivision (c) under any of the following circumstances:

27 (1) An adjudicatory proceeding before a court, administrative
28 body exercising its adjudicatory authority, hearing officer, or
29 arbitrator, to which the Assembly or a committee, Member, or
30 employee thereof is a party, has been initiated formally.

31 (2) Based on existing facts and circumstances, a point has been
32 reached where, in the opinion of the Assembly or a committee
33 thereof, on the advice of its legal counsel, litigation against the
34 Assembly or a committee, Member, or employee thereof is
35 reasonably anticipated.

36 (3) Based on existing facts and circumstances, the Assembly or
37 a committee thereof has decided to initiate, or is deciding whether
38 to initiate, litigation.

39 (4) To confer with, or receive advice from, its legal counsel and
40 negotiator prior to the purchase, sale, exchange, or lease of real

1 property by or for the Assembly or a committee thereof regarding
2 the price and terms of payment for the purchase, sale, exchange,
3 or lease.

4 (f) Prior to holding a closed session pursuant to paragraph (3)
5 of subdivision (c), the presiding officer of the Assembly or the
6 chair of the committee, as appropriate, shall state publicly which
7 paragraph of subdivision (e) is applicable. If the closed session is
8 held pursuant to paragraph (1) of subdivision (e), the presiding
9 officer or chair shall state the title of or otherwise specifically
10 identify the litigation to be discussed, unless the presiding officer
11 or chair states that to do so would jeopardize the ability to
12 effectuate service of process upon one or more unserved parties,
13 or that to do so would jeopardize the ability of the Assembly or the
14 committee to conclude existing settlement negotiations to its
15 advantage. If the closed session is held pursuant to paragraph (4)
16 of subdivision (e), the notice of the closed session shall identify the
17 real property that the negotiations may concern and the person
18 with whom the negotiations may take place.

19 (g) The legal counsel for the Assembly or the committee shall
20 prepare and submit to the Assembly or the committee a
21 memorandum stating the specific reasons and legal authority for
22 the closed session. If the closed session is held pursuant to
23 paragraph (1) of subdivision (e), the memorandum shall include
24 the title of or other identification of the litigation. If the closed
25 session is held pursuant to paragraph (2), (3), or (4) of subdivision
26 (e), the memorandum shall set forth the existing facts and
27 circumstances on which the closed session is based. The legal
28 counsel shall submit the memorandum to the Assembly or the
29 committee prior to the closed session, if feasible, or, in any case,
30 not later than one week after the closed session. The memorandum
31 shall be exempt from disclosure under the Legislative Open
32 Records Act contained in Article 3.5 (commencing with Section
33 9070) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
34 Government Code.

35 (h) For purposes of paragraph (3) of subdivision (c),
36 “litigation” includes any adjudicatory proceeding, including
37 eminent domain, before a court, administrative body exercising its
38 adjudicatory authority, hearing officer, or arbitrator.

39 (i) For purposes of this rule, all expressions of the lawyer-client
40 privilege other than those provided in this rule are hereby



1 abrogated. This rule is the exclusive expression of the
2 lawyer-client privilege for the purposes of conducting
3 closed-session meetings pursuant to this rule.

4 (j) Disclosure of a memorandum required under this rule shall
5 not be deemed a waiver of the lawyer-client privilege provided for
6 under Article 3 (commencing with Section 950) of Chapter 4 of
7 Division 8 of the Evidence Code.

8
9 Conference Committee Meetings

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11 11.4. No Member may participate in a meeting of a
12 conference committee considering any bill that is not open to the
13 public.

14
15 Assembly Investigating Committees

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17 11.5. (a) The standing committees of the Assembly created
18 pursuant to Rule 11, with the exception of the Committee on Rules,
19 are hereby constituted Assembly investigating committees and are
20 authorized and directed to ascertain, study, and analyze all facts
21 relating to any subjects or matters which the Committee on Rules
22 shall assign to them upon request of the Assembly or upon its own
23 initiative.

24 (b) Each of the Assembly investigating committees shall
25 consist of the members of the standing committee on the same
26 subject as most recently constituted. The chairperson and vice
27 chairperson shall be the chairperson and vice chairperson of the
28 standing committee. Vacancies occurring in the membership of the
29 committee shall be filled by the appointing authority.

30 (c) Each committee and any subcommittee, and its members,
31 shall have and exercise all the rights, duties, and powers conferred
32 upon investigating committees and their members by law and by
33 the Joint Rules of the Senate and Assembly and the Standing Rules
34 of the Assembly as they are adopted and amended from time to
35 time, which rules are incorporated herein and made applicable to
36 the committee or subcommittee and their members.

37 (d) In order to prevent duplication and overlapping of studies
38 between the various investigating committees herein created, no
39 committee may commence the study of any subject or matter not
40 specifically authorized herein or assigned to it unless and until

1 prior written approval thereof has been obtained from the
2 Committee on Rules.

3 (e) The Committee on Rules shall provide for the expenses of
4 the above committees and their members and for any charges,
5 expenses, or claims they may incur under this rule, to be paid from
6 the Assembly Operating Fund and disbursed, after certification by
7 the Chairperson of the Committee on Rules or his or her authorized
8 representative, upon warrants drawn by the Controller upon the
9 State Treasury.

10 11 Membership of Standing Committees 12

13 12. The Speaker shall determine the size, and appoint the
14 membership and the chairperson and vice chairperson, of all
15 standing committees and subcommittees. In appointing Members
16 to serve on committees, the Speaker shall consider the preferences
17 of the Members.

18 19 Committee on Rules 20

21 13. There is a Committee on Rules, which shall act as the
22 executive committee of the Assembly. The committee shall consist
23 of the chairperson, who shall be a Member selected by the Speaker,
24 and seven other members, four to be selected by the Speaker and
25 three, including the vice chairperson of the committee, to be
26 selected by the Minority Floor Leader. One alternate member of
27 the Committee on Rules shall be selected by each party leader.
28 Members and alternates so selected shall remain in office until
29 their successors are selected as provided for in these rules. The
30 Speaker or the Minority Floor Leader may designate any member
31 of their respective parties in lieu of or in addition to the alternate
32 member to fill a temporary vacancy.

33 An alternate member may serve when a committee member of
34 the same political party is absent. No regular member of the
35 Committee on Rules may simultaneously serve as a chairperson of
36 any standing committee.

37 All meetings of the Committee on Rules that are required to be
38 open and public shall be held in a room of appropriate size, and
39 audio or video transmission of those meetings shall be provided.
40

Organization of Party Caucuses

13.1. Within two days after the general election held in November of each even-numbered year, the caucus of the political party having the greatest number of Members in the Assembly, and the caucus of the political party having the second greatest number of Members, each shall meet for the purpose of selecting their officers for the next regular session. The rules and procedures of each caucus shall be determined by that caucus, but may not be inconsistent with these rules.

Powers of the Committee on Rules

14. (a) The Committee on Rules shall have the following powers:

(1) To refer each bill and house resolution to a committee, as provided by these rules.

(2) To appoint all employees of the Assembly not otherwise provided for by statute. It shall have authority to terminate, to discipline, to establish, and to modify the terms and conditions of employment of, or to suspend, with or without pay, any employee of the Assembly.

(3) To make studies and recommendations designed to promote, improve, and expedite the business and procedure of the Assembly and of the committees thereof, and to propose any amendments to the Rules deemed necessary to accomplish these purposes.

(4) To adopt additional policies or requirements regarding the use of cameras and other recording equipment at committee hearings or Assembly floor sessions.

(5) To contract with other agencies, public or private, as it deems necessary for the rendition and affording of those services, facilities, studies, and reports to the committee that will best assist it to carry out the purposes for which it is created.

(6) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of these rules and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

1 (7) To report its findings and recommendations to the
2 Legislature and to the people from time to time and at any time.

3 (8) To do any and all other things necessary or convenient to
4 enable it fully and adequately to exercise its powers, perform its
5 duties, and accomplish the objects and purposes of these rules.

6 (9) To make available to the Assembly, or to any Assembly or
7 joint committee, or to any Member of the Assembly assistance in
8 connection with the duties of the committee or other legislative
9 matters as the personnel under direction of the committee or its
10 other facilities permit.

11 (10) To make available to and furnish to the Assembly, and to
12 Assembly investigating committees created at this session and to
13 each of the members thereof, clerical, secretarial, and
14 stenographic help as may be reasonably necessary for the
15 Assembly to carry out its work, and for the committees and each
16 of the members thereof, to make and carry on the studies and
17 investigations required by or of them by the resolutions creating
18 the committees, and for these purposes to employ additional
19 stenographic and secretarial assistants as may be necessary, assign,
20 reassign, and discharge these assistants and prescribe amounts,
21 times, and methods of payment of their compensation. The
22 committee shall allocate annually an amount for the operation of
23 each investigating committee, which shall constitute the annual
24 budget of the committee.

25 (b) During the times as the Assembly is not in session, the
26 committee is authorized and directed to incur and pay expenses of
27 the Assembly not otherwise provided for that the committee
28 determines are reasonably necessary, including the repair,
29 alteration, improvement, and equipping of the Assembly Chamber
30 and the offices provided for the Assembly in the State Capitol and
31 the Capitol Annex.

32 (c) The committee shall allocate sufficient moneys from the
33 Assembly Operating Fund to support the Assembly's share of joint
34 operations.

35 (d) The chairperson of the Committee on Rules shall appoint a
36 Chief Administrative Officer of the Assembly, subject to the
37 ratification of the Committee on Rules, who shall have duties
38 relating to the administrative, fiscal, and business affairs of the
39 Assembly that the committee shall prescribe. The Chairperson of
40 the Committee on Rules or a majority of the membership of the



1 Committee on Rules may terminate the services of the Chief
2 Administrative Officer at any time. Notwithstanding the
3 foregoing, the Speaker may appoint a temporary chief
4 administrative officer for up to 90 days following the beginning of
5 the session.

6 (e) The committee on Rules shall provide for the publication of
7 a compilation of the photographs of accredited press
8 representatives.

9 (f) The Committee on Rules may delegate powers to the
10 Speaker by a majority vote of the membership of the committee.

11
12 Subcommittee on Sexual Harassment Prevention and Response
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14 14.5. (a) The Subcommittee on Sexual Harassment
15 Prevention and Response is hereby created as a subcommittee of
16 the Committee on Rules. The subcommittee shall be composed of
17 a total of six members, with the following four members appointed
18 by the Chairperson of the Committee on Rules: two members of
19 the Committee on Rules from the political party having the
20 greatest number of Members in the Assembly and two members
21 of the Committee on Rules from the political party having the
22 second greatest number of Members. The two members from the
23 political party having the second greatest number of Members
24 shall be appointed from a list of nominees that the vice chairperson
25 of the committee provides to the chairperson. The co-chairs of the
26 Assembly Legislative Ethics Committee also shall be members of
27 the subcommittee. The Chairperson of the Committee on Rules
28 shall designate one of the members of the subcommittee to serve
29 as chair of the subcommittee.

30 (b) The subcommittee shall formulate and recommend to the
31 Committee on Rules procedures for the handling of any complaint
32 of sexual harassment lodged against a Member of the Assembly or
33 an Assembly employee. Those recommendations shall be
34 submitted to the Committee on Rules no later than 30 days
35 following the adoption of this rule.

36 (c) Following the submission of the recommendations
37 pursuant to subdivision (b), the chair of the subcommittee may
38 cause the subcommittee to convene to review and recommend
39 further changes in procedures as subsequent events may require.

40

Committee on Rules

15. The Committee on Rules shall continue in existence during any recess of the Legislature and after final adjournment and until the convening of the next regular session, and shall have the same powers and duties as while the Assembly is in session. In dealing with any matter within its jurisdiction, the committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which rules are incorporated herein and made applicable to the Committee on Rules and its members.

Operating Fund Report

15.5. The Committee on Rules shall annually prepare a report to the public of expenditures as required by Section 9131 of the Government Code.

Independent Audit of Operating Funds

15.6. The Committee on Rules shall annually contract for an independent audit of the revenues and expenditures, for each fiscal year, from the Assembly Operating Fund. The organization performing the audit shall be selected by a majority of the membership of the Committee on Rules. The contract for the audit shall be awarded through a competitive bidding procedure. The audit shall be prepared in a manner and form to be determined by the organization performing the audit, and shall be consistent with generally accepted accounting principles.

The audit shall be completed and made available to the public within 180 calendar days following the completion of the fiscal year for which the audit is performed.

Performance Audit

15.7. In addition to the annual financial audit required by Rule 15.6, the Committee on Rules shall contract for an audit of the administrative operations of the Assembly each session. The

1 administrative departments to be audited shall be determined by
2 the Committee on Rules. An organization performing an audit
3 pursuant to this rule shall be selected by a majority of the
4 membership of the Committee on Rules. A contract for an audit
5 shall be awarded through a competitive bidding procedure. Audits
6 shall be prepared in a manner and form to be determined by the
7 organization performing the audit, and shall be consistent with
8 generally accepted accounting principles.

9 All findings and recommendations reported by an auditing firm
10 shall be made available to Members and to the public.

11
12 Rules Committee Resolutions

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14 16. The Committee on Rules, acting unanimously by
15 appropriate resolution, on behalf of and in the name of the
16 Assembly, may extend congratulations, commendations,
17 sympathy, or regret to any person, group, or organization, and may
18 authorize the presentation of suitably prepared copies of these
19 resolutions to the persons concerned and to their relatives.

20
21 Assembly Operating Fund

22
23 17. The Committee on Rules is the committee identified in
24 Section 9127 of the Government Code. The balance of all money
25 in the Assembly Operating Fund, including money now or
26 hereafter appropriated, except the sums that are made available
27 specifically for the expense of designated committees or for other
28 purposes, is hereby made available to the Committee on Rules for
29 any charges or claims it may incur in carrying out the duties
30 imposed upon it by these rules or by Assembly or concurrent
31 resolution. The money made available by this rule includes the
32 unencumbered balances of all sums heretofore made available to
33 any Assembly or joint committee by the Assembly, upon the
34 expiration of that committee, and shall be expended as provided
35 in these rules.

36
37 Expenditures

38
39 18. No Member or committee may incur any expense except
40 as authorized pursuant to these rules or the Joint Rules of the

1 Senate and Assembly, or as authorized by the Assembly or the
2 Committee on Rules.

3 The Committee on Rules shall provide, by rules and regulations,
4 for the manner of authorizing expenditures by Members,
5 committees, officers, and employees of the Assembly that are not
6 otherwise authorized by law, these rules, or the Joint Rules of the
7 Senate and Assembly. These rules and regulations shall
8 incorporate a provision whereby construction, alteration,
9 improvement, repair, or maintenance of real or personal property,
10 and the purchase of supplies and equipment, shall be governed by
11 competitive bidding. Further, the rules and regulations shall
12 provide for the payment of expenditures, as authorized by these
13 rules and regulations, from the Assembly Operating Fund upon
14 certification of claims therefor to the Controller by the Committee
15 on Rules or its authorized representative.

16 No Member may be reimbursed for travel outside the State of
17 California without prior approval of the Speaker or the Committee
18 on Rules.

19

20 Rules and Regulations Governing Committees

21

22 20. All claims for expenses incurred by investigating
23 committees of the Assembly shall be approved by the Committee
24 on Rules, or its authorized representative, before the claims are
25 presented to the Controller.

26 All proposed expenditures, other than expenditures of the funds
27 of an investigating committee, shall be approved by the
28 Committee on Rules or its authorized representative before the
29 expenses are incurred, unless the expenditure is specifically
30 exempted from this requirement by the resolution authorizing it.

31 No warrant may be drawn in payment of any claim for expenses
32 until the approval of the Committee on Rules, or its authorized
33 representative, has been obtained in accordance with this rule.

34 The Committee on Rules shall adopt rules and regulations
35 governing the awarding of any contract by an investigating
36 committee, and rules and regulations limiting the amount, time,
37 and place of expenses and allowances to be paid to employees of
38 Assembly investigating committees or other Assembly
39 committees.



1 These rules may provide for allowances to committee
2 employees in lieu of actual expenses.

3 Mileage is an allowance to a committee employee in lieu of
4 actual expenses of travel. When travel is by private conveyance,
5 mileage shall be allowed only to the operator of, and not to
6 passengers in, a private vehicle. Claims for mileage by private
7 conveyance must be accompanied by the license number of the
8 vehicle and the names of state officers and employees riding as
9 passengers.

10 Copies of all rules and regulations adopted pursuant to this rule
11 shall be distributed to the chairperson of every investigating
12 committee and of any other Assembly committee that has
13 employees.

14
15 Fees for Witnesses

16
17 21. Each witness summoned to appear before the Assembly or
18 any of its committees shall be reimbursed at a rate set by the
19 Committee on Rules.

20
21 Assembly General Research Committee

22
23 22. (a) The Assembly General Research Committee is
24 hereby continued as a permanent factfinding committee pursuant
25 to Section 11 of Article IV of the California Constitution. The
26 committee is allocated all subjects within the scope of legislative
27 regulation and control, but may not undertake any investigation
28 that another committee has been specifically requested or directed
29 to undertake. The Assembly General Research Committee may act
30 through subcommittees appointed by the Speaker in consultation
31 with the Committee on Rules, and each of these subcommittees
32 may act only on the particular study or investigation assigned by
33 the Speaker in consultation with the Committee on Rules to that
34 subcommittee. Each subcommittee shall be known and designated
35 as a select committee. The Speaker is the Chairperson of the
36 Assembly General Research Committee and may be a voting
37 member of any subcommittee. Each member of the Assembly
38 General Research Committee is authorized and directed to receive
39 and investigate requests for legislative action made by individuals
40 or groups, and to report thereon to the full committee. The

1 Committee on Rules is authorized to allocate to any subcommittee
2 from the Assembly Operating Fund those sums that the Committee
3 on Rules deems necessary to complete the investigation or study
4 conferred upon that subcommittee. The Committee on Rules shall
5 further allocate, from time to time, to the Assembly General
6 Research Committee from the Assembly Operating Fund those
7 sums that are necessary to permit the Assembly General Research
8 Committee and the members thereof to carry out the duties
9 imposed on them. The committee has continuous existence until
10 the time that its existence is terminated by a resolution adopted by
11 the Assembly, and the committee is authorized to act both during
12 and between sessions of the Legislature, including any recess.

13 (b) The committee and its members shall have and exercise all
14 the rights, duties, and powers conferred upon investigating
15 committees and their members by the Joint Rules of the Senate and
16 Assembly and the Standing Rules of the Assembly as they are
17 adopted and amended from time to time at this session, which
18 provisions are incorporated herein and made applicable to the
19 committee and its members.

20 (c) The committee has the following additional powers and
21 duties:

22 (1) To contract with other agencies, public or private, for the
23 rendition and affording of services, facilities, studies, and reports
24 to the committee as the committee deems necessary to assist it to
25 carry out the purposes for which it is created.

26 (2) To cooperate with and secure the cooperation of county,
27 city, city and county, and other local law enforcement agencies in
28 investigating any matter within the scope of this rule and to direct
29 the sheriff of any county to serve subpoenas, orders, and other
30 process issued by the committee.

31 (3) To report its findings and recommendations to the
32 Legislature and the people from time to time.

33 (4) To do any and all other things necessary or convenient to
34 enable it fully and adequately to exercise its powers, perform its
35 duties, and accomplish the objects and purposes of this rule.

36
37 Assembly Legislative Ethics Committee
38

39 22.5. (a) The Assembly Legislative Ethics Committee is
40 hereby created. The committee shall consist of six Members of the

Assembly, appointed by the Speaker. Notwithstanding any other rule of the Assembly, three members of the committee shall be from the political party having the greatest number of Members in the Assembly and three members shall be from the political party having the second greatest number of Members. Any temporary or permanent vacancy on the committee shall be filled within 10 days by a member from the same political party. All appointments, including appointments to fill permanent or temporary vacancies, of members from the political party having the second greatest number of Members in the Assembly shall be made from a list of nominees that the Minority Floor Leader provides to the Speaker. The Speaker shall designate one member of the committee from the political party having the greatest number of Members in the Assembly and one member of the committee from the political party having the second greatest number of Members to serve as co-chairs of the committee. The Speaker shall designate one of the co-chairs to serve as the presiding officer at any meeting or hearing conducted by the committee.

If a verified complaint is filed against a member of the committee, the Speaker shall temporarily replace the member with a Member from the same political party, who shall serve until the complaint is dismissed or the Assembly takes final action on the complaint, whichever occurs first.

(b) The provisions of this rule, and of Rule 11.5 related to investigating committees, shall apply to the committee and shall govern its proceedings.

Prior to the issuance of any subpoena by the committee with respect to any matter before the committee, it shall, by a resolution adopted by the committee pursuant to a vote in accordance with subdivision (n), define the nature and scope of its investigation in the matter before it.

(c) Funds for the support of the committee shall be provided from the Assembly Operating Fund in the same manner that those funds are made available to other committees of the Assembly.

(d) (1) The committee shall have the power, pursuant to this rule and Article 3 (commencing with Section 8940) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, to investigate and make findings and recommendations concerning violations by Members of the Assembly of any provision of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of

1 Division 2 of Title 2 of the Government Code or of any other
2 provision of law or legislative rule that governs the conduct of
3 Members of the Assembly, hereafter collectively referred to as
4 “standards of conduct.”

5 (2) The committee may, on its own action pursuant to a vote in
6 accordance with subdivision (n), initiate an investigation of a
7 Member of the Assembly.

8 (e) Any person may file with the committee a verified
9 complaint in writing, which shall state the name of the Member of
10 the Assembly alleged to have violated any standard of conduct,
11 and which shall set forth the particulars thereof with sufficient
12 clarity and detail to enable the committee to make a determination.
13 The person filing the complaint thereafter shall be designated the
14 complainant.

15 If a verified complaint is filed with the committee, the
16 committee promptly shall send a copy of the complaint to the
17 Member of the Assembly alleged to have committed the violation
18 complained of, who thereafter shall be designated the respondent.

19 No complaint may be filed with the committee after the
20 expiration of 12 months from the date the alleged violation is
21 discovered or three years from the date of the alleged violation,
22 whichever occurs first.

23 (f) (1) If the committee determines that the verified complaint
24 does not allege facts, directly or upon information and belief,
25 sufficient to constitute a violation of any standard of conduct, it
26 shall dismiss the complaint and so notify the complainant and
27 respondent.

28 (2) (i) If the committee determines that the verified complaint
29 does allege facts, directly or upon information and belief,
30 sufficient to constitute a violation of any standard of conduct, the
31 committee promptly shall investigate the alleged violation and if,
32 after this preliminary investigation, the committee finds that
33 reasonable cause exists for believing the allegations of the
34 complaint, it shall fix a time for a hearing in the matter, which shall
35 be not more than 30 days after that finding. The committee may,
36 however, seek an extension of this period, not to exceed an
37 additional 30 days, which may be granted by a majority vote of the
38 Committee on Rules.

39 (ii) If, after preliminary investigation, the committee does not
40 find that reasonable cause exists for believing the allegations of the



1 complaint, the committee shall dismiss the complaint. In either
2 event, the committee shall notify the complainant and the
3 respondent of its determination.

4 (3) The committee shall make its determination under
5 paragraph (1) or (2) of this subdivision, pursuant to a vote in
6 accordance with subdivision (n), not later than 90 days after first
7 receiving a complaint that satisfies subdivision (e). The committee
8 may, however, seek an extension, not to exceed 30 days, which
9 may be granted by a majority vote of the membership of the
10 Committee on Rules. If the committee has requested a law
11 enforcement agency to investigate the complaint or if the
12 committee knows the complaint is being investigated by a law
13 enforcement agency, the time limits set forth in this subdivision
14 shall be tolled until the investigation is completed.

15 (4) The committee's determination under paragraph (1) or (2)
16 of this subdivision shall be stated in writing, with reasons given
17 therefor, and shall be provided to the Assembly, and, in any case
18 concerning an alleged violation of Article 2 (commencing with
19 Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the
20 Government Code, shall be provided to the appropriate law
21 enforcement agency. This written determination is a public record
22 and is open to public inspection.

23 (5) Any deliberations of the committee from the time of receipt
24 of a complaint until it decides to dismiss the complaint or to set a
25 hearing shall not be open to the public unless the respondent
26 requests a public meeting.

27 (g) After the complaint has been filed, the respondent shall be
28 entitled to examine and make copies of all evidence in the
29 possession of the committee relating to the complaint.

30 (h) If a hearing is held pursuant to subdivision (f), the
31 committee, before the hearing has commenced, shall issue
32 subpoenas and subpoenas duces tecum at the request of any party
33 in accordance with Chapter 4 (commencing with Section 9400) of
34 Part 1 of Division 2 of Title 2 of the Government Code. All of the
35 provisions of that chapter, except Section 9410 of the Government
36 Code, shall apply to the committee and the witnesses before it.

37 (i) At any hearing held by the committee:

38 (1) Oral evidence shall be taken on oath or affirmation.

(2) Each party shall have these rights: to be represented by legal counsel; to call and examine witnesses; to introduce exhibits; and to cross-examine opposing witnesses.

(3) The hearing shall be open to the public.

(j) Any official or other person whose name is mentioned at any investigation or hearing of the committee, and who believes that testimony has been given that adversely affects him or her, shall have the right to testify or, at the discretion of the committee, to testify under oath relating solely to the material relevant to the testimony regarding which he or she complains.

(k) The committee shall have 15 days following the hearing within which to deliberate and reach its final determination on the matter as follows:

(1) If the committee finds that the respondent has not violated any standard of conduct, it shall order the action dismissed, shall notify the respondent and complainant thereof, and, in cases concerning an alleged violation of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, shall transmit a copy of the complaint and the fact of dismissal to the appropriate law enforcement agency. The complaint and the fact of dismissal transmitted pursuant to this paragraph are public records and open to public inspection.

(2) If the committee finds that the respondent has violated any standard of conduct, it shall state its findings of fact and submit a report thereon to the Assembly. This report shall be accompanied by a House Resolution, authored by the committee, which shall be introduced at the Chief Clerk's desk and then referred by the Committee on Rules to the Ethics Committee. The House Resolution shall include a statement of the committee's findings and the committee's recommendation for disciplinary action. Within seven days, the committee shall adopt the final form of the House Resolution and report it to the Assembly for placement on the Daily File. The committee also shall send a copy of those findings and report to the complainant and respondent, and, in cases concerning an alleged violation of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, shall report thereon to the appropriate law enforcement agency. The report submitted pursuant to this paragraph is a public record and open to public inspection.

1 After the receipt of a copy of the committee's final report and
2 House Resolution, the Assembly expeditiously shall take
3 appropriate action with respect to the respondent.

4 (l) The filing of a complaint with the committee pursuant to this
5 rule suspends the running of the statute of limitations applicable
6 to any violation of any standard of conduct alleged in the substance
7 of that complaint while the complaint is pending.

8 (m) The committee shall maintain a record of its investigations,
9 inquiries, and proceedings. All records, complaints, documents,
10 and reports filed with or submitted to or made by the committee,
11 and all records and transcripts of any investigations, inquiries, or
12 hearings of the committee under this rule shall be deemed
13 confidential and shall not be open to inspection, without the
14 express permission of the committee, by any person other than a
15 member of the committee, or an employee of the committee or
16 other state employee designated to assist the committee, except as
17 otherwise specifically provided in this rule. The committee may,
18 by adoption of a resolution, authorize the release to the Attorney
19 General or a district attorney of the appropriate county of any
20 information, records, complaints, documents, reports, and
21 transcripts in its possession that are material to any matter pending
22 before the Attorney General or that district attorney. All matters
23 presented at a public hearing of the committee and all reports of
24 the committee stating a final finding of fact pursuant to subdivision
25 (k) shall be public records and open to public inspection. Any
26 employee of the committee who divulges any matter that is
27 deemed to be confidential by this subdivision shall be subject to
28 discipline by the Committee on Rules.

29 (n) The committee may take any action authorized by this rule
30 only upon the vote of not less than two members from the
31 registered political party having the greatest number of Members
32 in the Assembly and two members from the registered political
33 party having the second greatest number of Members. Any
34 vacancy on the committee does not reduce the votes required to
35 take action.

36 (o) The committee may render advisory opinions to Members
37 of the Assembly with respect to the standards of conduct and their
38 application and construction. The committee may secure an
39 opinion from the Legislative Counsel for this purpose or issue its
40 own opinion. Any committee advisory opinion shall be prepared

1 by committee members or staff and shall be adopted by the
2 committee pursuant to subdivision (n).

3 (p) The committee shall conduct, at least semiannually, an
4 orientation course on the relevant statutes and regulations
5 governing official conduct. The curriculum and presentation of the
6 course shall be established by the Committee on Rules.

7 Pursuant to Section 8956 of the Government Code, the
8 committee shall conduct, at least annually, an orientation course
9 on the relevant ethical issues and laws relating to lobbying. The
10 committee shall impose fees on lobbyists for attending this course
11 at an amount that will permit the participation of lobbyists to the
12 fullest extent possible.

13 At least once each biennial session, each Member of the
14 Assembly and each designated employee of the Assembly shall
15 attend one of these courses.

16 Printing of Committee Reports

17
18
19 23. All requests for the printing of reports of Assembly
20 committees shall be referred to the Committee on Rules. The
21 Committee on Rules shall determine the number of copies needed
22 and whether the report shall be printed in the Journal. In no event
23 may more than 1,000 copies of any committee report be authorized
24 by the Committee on Rules on the first printing, exclusive of the
25 Journal copies if the report is to be printed therein, unless the
26 Committee on Rules finds and determines that there is a special
27 need for that report in greater numbers.

28 Upon determination by the Committee on Rules that additional
29 copies of an Assembly committee report are required at any time
30 following the first printing of the authorized number of copies, the
31 Committee on Rules may authorize one or more additional
32 printings in the numbers found by it to be necessary and may make
33 funds available therefor.

34 No Assembly committee report may contain more than 100
35 pages, including the front and back cover thereof and any
36 appendix, unless a greater number of pages has been approved and
37 authorized by the Committee on Rules.

38



Assembly Employees

24. Every employee who works for a committee of the Assembly or a subcommittee of a committee, for a Member of the Assembly, for the Chief Clerk's office, or for the Sergeant at Arms, is an employee of the Assembly. All employees of the Assembly serve at the pleasure of the Assembly and the terms and conditions of their employment may be modified, or their employment may be terminated at will, at any time and without notice, by the Committee on Rules.

Every applicant for employment by the Assembly shall prepare a formal application for employment on forms prescribed by the Committee on Rules. The application shall include a statement of his or her present employment, his or her employment during the preceding two years, and other pertinent information that the Committee on Rules may require. The application shall be certified under penalty of perjury, and any willful false statement or omission of a material fact shall be punishable as perjury. If the application discloses any fact that indicates that the applicant has a personal interest that would conflict with the faithful performance of his or her duties, the applicant shall not be employed. All applications shall be retained in the records of the committee.

Every employee shall complete the Assembly ethics course in the first six months of his or her employment. Thereafter, every employee shall take the course in the first six months of every legislative session.

Every employee shall, within the first six months of every legislative session, take a course on sexual harassment prevention. The content of the course shall be determined by the Committee on Rules and shall include the Assembly's policy on sexual harassment prevention and response.

No employee may engage in any outside business activity or outside employment that is inconsistent, incompatible, or in conflict with his or her functions or responsibilities as an employee of the Assembly. Any employee who engages in any outside business activity or employment that is in any way related to his or her functions or responsibilities as an employee shall promptly notify the Committee on Rules of that business activity or employment.

Assembly Proceedings

25. Accredited press representatives may not be excluded from any public legislative meeting or hearing and may not be prohibited from taking photographs of, televising, or recording the committee or house hearings, subject to the following conditions:

(1) This rule shall extend to all public legislative meetings.

(2) Lights shall be used only when cameras are filming, and, when possible, proceedings in hearing rooms and the Chamber shall be filmed without lights.

(3) Every effort should be made to set up filming equipment before hearings or sessions begin.

(4) The committee chairperson or the Speaker shall be notified, as far in advance of the proceedings as possible, that recordings and television cameras will be present and filming.

(5) To the extent practical, flash cameras shall not be used.

(6) Photographs shall be taken in an orderly and expeditious manner so as to cause the least possible inconvenience to the committee or to the Members in the Chamber.

IV. ASSEMBLY FUNCTIONS

A. Duties of Assembly Officers

Duties of the Speaker

26. (a) The Speaker shall possess the powers and perform the duties prescribed as follows:

(1) To preserve order and decorum; he or she may speak to points of order in preference to the other Members, rising from his or her chair for that purpose.

(2) To decide all questions of order subject to appeal to the Assembly by any Member. On every appeal, the Speaker shall have the right to assign the reason for his or her decision.

(3) To name any Member to perform the duties of the Speaker, except that any substitution may not extend beyond adjournment.

(4) To have general direction over the Assembly chamber and rooms set aside for the use of the Assembly, including the rooms for use by Members as private offices.

1 (5) To allocate funds, staffing, and other resources for the
2 effective operation of the Assembly.

3 (6) To appoint the membership of all standing and special
4 committees, and their respective chairpersons and
5 vice-chairpersons. The Speaker has approval power over the
6 appointment of subcommittees of those standing and special
7 committees.

8 (7) To establish a schedule of meetings of standing committees
9 or subcommittees and to approve special meetings at a time
10 different from the scheduled time.

11 (8) To have general control and direction over the Journals,
12 papers, and bills of the Assembly.

13 (9) To act as Chairperson of the Committee of the Whole.

14 (10) To order the Lobby and Gallery cleared whenever he or
15 she deems it necessary.

16 (11) To authenticate by his or her signature, when necessary or
17 required by law, all bills, memorials, resolutions, orders,
18 proceedings, writs, warrants, and subpoenas issued by order of the
19 Assembly.

20 (b) The Speaker shall be ex officio member of all Assembly and
21 joint committees with all of the rights and privileges of that
22 membership, except the right to vote. In counting a quorum of any
23 of those committees, the Speaker shall not be counted as a member.

24 (c) The Speaker shall, at each regular session, appoint a
25 Member of the Assembly to serve on the Judicial Council pursuant
26 to Section 6 of Article VI of the California Constitution.

27 28 Funerals and Other Ceremonies and Events

29
30 27. The Speaker may designate any one or more of the
31 Members of the Assembly as the representatives of the Assembly
32 to attend funerals and other ceremonies and events in appropriate
33 circumstances. The Members so designated shall receive their
34 expenses as provided in Joint Rule 35.

35 36 Selection of Officers

37
38 28. (a) The Speaker shall appoint all nonelected officers of
39 the Assembly except the Minority Floor Leader.

1 (b) The Minority Floor Leader shall be selected by the caucus
2 of the political party having the second greatest number of
3 Members in the Assembly.

4
5 Duties of the Speaker pro Tempore
6

7 29. The Speaker pro Tempore shall perform those duties
8 assigned by the Speaker, including the responsibility of presiding
9 over sessions of the Assembly and advising the Members on
10 parliamentary procedures of the house.

11
12 Majority Floor Leader
13

14 30. It shall be the duty of the Majority Floor Leader to make
15 those appropriate motions, points of order, or other arrangements
16 that may be necessary to expedite the proceedings of the
17 Assembly, and he or she shall be responsible for the presentation
18 of all matters that relate to the order of business, and to the
19 promotion of harmony among the membership.

20
21 Caucus Chairpersons
22

23 31. The chairperson of the caucus of the political party having
24 the greatest number of Members in the Assembly, and the
25 chairperson of the caucus of the political party having the second
26 greatest number of Members in the Assembly, shall perform those
27 duties that are prescribed by their respective party caucuses.

28
29 Chief Clerk
30

31 32. The Chief Clerk of the Assembly shall have the following
32 duties, powers, and responsibilities:

33 (a) To be charged with the responsibility of the keeping of the
34 bills, papers, and records of the proceedings and actions of the
35 Assembly and to have charge of the publication and distribution
36 of those publications related thereto.

37 (b) To supervise Assembly employees who are engaged in
38 duties related to subdivision (a).

39 (c) To act as Parliamentarian of the Assembly and to advise the
40 officers of the Assembly and the Committee on Rules on

1 parliamentary procedure and the Rules of the Assembly when
2 called upon to do so.

3 (d) To prepare all bills, resolutions, histories, journals, and
4 related publications for printing.

5 (e) To refuse to permit any bills, papers, or records to be
6 removed from his or her office or out of his or her custody, except
7 upon duly signed receipts from persons authorized.

8 (f) To mail, before the commencement of each regular session
9 of the Legislature, to each Member a blank form on which the
10 Member may indicate his or her committee preferences.
11 Accompanying the blank form shall be mailed a stamped envelope
12 addressed to the Chief Clerk of the Assembly for returning the
13 form. After their receipt, all those communications shall be held
14 by the Chief Clerk of the Assembly and the information contained
15 in the forms shall be forwarded to the Speaker.

16 (g) To perform other duties that are prescribed by law or the
17 Committee on Rules.

18 (h) To make technical changes in measures and amendments
19 pending before the Assembly. The Chief Clerk shall notify the
20 Speaker and the author of the measure of any such change.

21 (i) To compare all bills, ordered or considered engrossed by the
22 Assembly, with the engrossed copies thereof; before they pass out
23 of the possession of the Assembly, to see that each engrossed bill
24 is a true copy of the original, with those amendments that may have
25 been made thereto; and to see that all engrossed bills are reported
26 back in the order in which they were ordered engrossed.

27 (j) To assist the Committee on Rules, upon its request, in
28 recommending the reference of bills to the appropriate standing
29 committee.

30 The Assistant Chief Clerk shall have the powers and perform the
31 duties of the Chief Clerk during his or her absence.

32
33 Sergeant at Arms

34
35 33. The Sergeant at Arms shall have the following duties,
36 powers, and responsibilities:

37 (a) To attend the Assembly during its session, preserve order,
38 announce all official messengers, and serve all process issued by
39 authority of the Assembly and directed by the Speaker; the

1 Sergeant at Arms shall receive actual expenses for himself or
2 herself, or for an assistant, incurred in executing any process.

3 (b) To see that no person is admitted to the Assembly Chamber
4 except in accordance with these rules.

5 (c) To have general supervision over the Assistant Sergeants at
6 Arms and be responsible for their official acts and their
7 performance of and regular attendance upon their duties.

8 (d) To execute all commands of the Speaker.

9 (e) To perform all other duties pertaining to his or her office as
10 prescribed by law or Assembly rule.

11 The Chief Assistant Sergeant at Arms shall have the powers and
12 perform the duties of the Sergeant at Arms during his or her
13 absence.

14
15 Filling Interim Vacancies—Assembly Elected Officers

16
17 34. In the event a vacancy in any office, except Speaker,
18 elected by the membership of the Assembly occurs during joint
19 recesses, the Committee on Rules shall fill the office until the
20 session reconvenes. If a vacancy occurs in the office of the Speaker
21 during a joint recess, the Committee on Rules shall notify the
22 membership within 15 days from the time the vacancy occurs and
23 shall call a caucus of the membership of the Assembly for the
24 purpose of filling the vacancy. This caucus shall be held at the State
25 Capitol within 30 days from the time the vacancy occurs. Notice
26 of the caucus shall be in writing and shall be mailed not less than
27 10 days prior to the meeting of the caucus. If the Committee on
28 Rules fails to act within 15 days from the time the vacancy in the
29 office of Speaker occurs, the Chief Clerk of the Assembly shall act
30 in its place, following the procedure set forth in this rule. Any
31 person selected to fill any vacancy pursuant to this rule shall hold
32 the office until the session reconvenes.

33 An affirmative recorded vote of a majority of the duly elected
34 and qualified Members shall be required for the selection by the
35 Assembly caucus of a person to fill a vacancy pursuant to this rule.
36 The procedure for selecting the Speaker at the caucus shall be the
37 same as the procedure required for the election of the Speaker at
38 a session.

B. Printing

Authority for Printing

35. The State Printer may not charge any printing or other work to the Assembly other than as provided by law or Assembly rule, except upon a written order signed by the Chief Clerk of the Assembly or the Chief Administrative Officer of the Assembly. All invoices for printing furnished to the Assembly shall be itemized and rendered by the State Printer within 30 days after completion of the printing. When necessary, the Chief Clerk of the Assembly or the Chief Administrative Officer of the Assembly may order certain printed matter completed in advance of its regular order by the issuance of a rush order.

Ordering of Printing

36. The Chief Clerk is authorized to order, and shall have the responsibility for ordering, the printing of bills, resolutions, journals, daily files, histories, and related documents.

The Chief Clerk of the Assembly, or the Chief Administrative Officer of the Assembly, shall order other printing as directed or authorized by the Committee on Rules, and the written order for that printing shall be countersigned by the Speaker or a person designated by the Speaker. The Chief Clerk of the Assembly or the Chief Administrative Officer of the Assembly shall also order other printing as directed or authorized by resolution or motion of the Assembly.

Printing Assembly History and Legislative Handbook

37. During the session, the Chief Clerk shall cause to be printed and placed upon each Member's desk, prior to convening on Monday of each week, a complete history showing all actions taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening between the issuance of each Weekly History, there shall be printed a Daily Supplemental History showing only actions taken upon any measure since the issuance of the preceding Weekly History.

1 The Chief Clerk of the Assembly shall, as soon as practicable,
2 in each even-numbered year, commence to compile a legislative
3 manual or handbook, pursuant to Section 9740 of the Government
4 Code.

5
6 V. LEGISLATIVE PROCEDURE

7
8 Order of Business

9
10 40. (a) The order of business of the Assembly shall be as
11 follows:

- 12 1. Roll Call
13 2. Prayer by the Chaplain
14 3. Reading of the Previous Day's Journal
15 4. Presentation of Petitions
16 5. Introduction and Reference of Bills
17 6. Reports of Committees
18 7. Messages From the Governor
19 8. Messages From the Senate
20 9. Motions and Resolutions
21 10. Business on the Daily File
22 11. Announcements
23 12. Adjournment

24 (b) With the exception of Special Orders of Business, the
25 Speaker may determine that a different order of business will result
26 in a more expeditious processing of the business of the Assembly
27 by ordering resolutions honoring an individual or an organization,
28 introductions, and adjournments in memory of individuals to be
29 taken up in a different order than that listed in subdivision (a).

30
31 Pledging of Allegiance to the Flag

32
33 41. At each session, following the prayer by the Chaplain, the
34 Members of the Assembly and its officers and employees present
35 in the Assembly Chamber shall pledge their allegiance to the Flag
36 of the United States of America. The Speaker shall invite guests
37 present in the Assembly Chamber to join in the pledge of
38 allegiance to the Flag of the United States of America.
39

Reading and Correcting Journals

42. (a) The reading of the Journal of the previous day may be dispensed with, on motion, by a majority vote of the Members present and voting.

(b) All journals of the Assembly shall be corrected by the Minute Clerk and delivered to the Chief Clerk.

(c) A motion to correct any day's Journal or to print a letter in the Journal shall always be in order and shall require a majority vote of the Members present and voting.

Presentation of Petitions

43. Whenever petitions, memorials, or other papers are presented by a Member, a brief statement of the contents thereof may be made verbally by the introducer. Petitions are not debatable and shall be filed, or referred to a committee as the Speaker shall determine. Receipt of that presentation and its disposition shall be noted in the Journal.

Upon receipt of a petition for the impeachment of any person subject to impeachment by the Legislature, the Speaker shall, without comment or debate, forthwith refer the petition to committee.

Messages From the Governor

44. Messages from the Governor shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed in the Journal unless otherwise ordered by an affirmative recorded vote of 54 or more Members.

Messages From the Senate

45. Messages from the Senate shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed in the Journal. The Committee on Rules shall refer each bill to a committee, unless upon a motion the Assembly, by an affirmative recorded vote of 41 or more Members, shall refer it to some other committee. The action to refer a bill shall not be debatable. The reference shall be entered in the Journal. Assembly bills that have

1 been passed without amendment by the Senate shall be ordered to
2 enrollment.

3 An Assembly bill amended by the Senate shall be placed upon
4 the unfinished business file but shall not be eligible to be acted
5 upon until it is on the unfinished business file for one legislative
6 day, except that when the Assembly bill is placed upon the
7 unfinished business file during the last two legislative days
8 preceding (1) the January 31 bill passage deadline specified by
9 Section 10 of Article IV of the California Constitution, (2) the
10 scheduled commencement of the interim study recess, or (3) the
11 scheduled commencement of the final recess as specified by the
12 Joint Rules of the Senate and Assembly, it may be acted upon
13 immediately.

14 Presentation of Guests or Memorials in the Assembly

15 45.5. These rules do not prohibit the Speaker or Speaker pro
16 Tempore from permitting the introduction of a special guest or
17 guests. A request that a session of the Assembly adjourn in
18 memory of a person shall be made in writing. The request shall be
19 read by the presiding officer immediately prior to adjournment.
20

21 A. Bills and Resolutions

22 Bills Defined

23 46. (a) The word “bill,” as used in these rules, includes a
24 constitutional amendment, a concurrent resolution, and a joint
25 resolution, except as otherwise specifically provided.

26 (b) A concurrent resolution and a joint resolution, other than a
27 resolution ratifying proposed amendments to the United States
28 Constitution and a resolution calling for a constitutional
29 convention, shall be treated in all respects as a bill except as
30 follows:

31 (1) It shall be given only one formal reading.

32 (2) It shall not be deemed a bill within the meaning of
33 subdivision (a) of Section 8 of Article IV of the California
34 Constitution.
35

1 Introduction and Reference of Bills

2
3 47. Each bill shall be signed by each Member who is an author
4 or coauthor of the bill before it is introduced. If any bill is
5 introduced that does not contain the signature of its author or
6 coauthor, the bill, on motion of the Member whose name appears
7 thereon without that signature, shall be stricken from the file by an
8 affirmative recorded vote of 41 or more Members. In each
9 legislative session, on the first day when bills are introduced under
10 “Introduction and Reference of Bills,” the roll shall be called from
11 A to Z and, as each Member’s name is called, the Member may
12 introduce one bill, constitutional amendment, or concurrent or
13 joint resolution. After this roll call, the preprint bills shall be
14 introduced in numerical order.

15 After the introduction of preprinted bills, and subject to the
16 provisions of the Joint Rules of the Senate and Assembly, any
17 Member desiring to introduce a bill, constitutional amendment, or
18 concurrent or joint resolution may at any time during a session
19 send the same to the Chief Clerk’s desk.

20 When received at the Chief Clerk’s desk it shall, under the
21 proper order of business, be numbered, read the first time, printed,
22 and referred to a standing committee, and a copy thereof shall be
23 placed upon the desk of each Member before final passage.

24 All bills, constitutional amendments, and concurrent or joint
25 resolutions introduced before the standing committees of the
26 Assembly are appointed shall be referred to committee, the
27 references to take effect when the committees are appointed.

28 Any committee may introduce a bill germane to any subject
29 within the proper consideration of the committee in the same
30 manner as any Member. No committee bill may be introduced
31 unless it contains the signatures of a majority of all of the members,
32 including the chairperson, of the committee. If all of the members
33 of a committee sign the bill, at the option of the committee
34 chairperson the committee members’ names need not appear as
35 authors in the heading of the printed bill.

36
37 Bills Authored by a Former Member

38
39 47.1. Whenever the author of a bill in the Assembly is no
40 longer a Member of the Legislature, upon a request of a committee

1 or current Member of the house in which the bill was introduced,
2 the Assembly Committee on Rules may authorize that committee
3 or Member to be the author of that bill. Absent that authorization,
4 no action may be taken by a committee or the Assembly with
5 respect to a bill authored by a former Member.

6 7 Limitation on the Introduction of Bills

8
9 49. (a) A Member may introduce not more than 30 bills in the
10 regular session.

11 (b) This rule does not apply to a constitutional amendment, any
12 type of resolution, or a bill introduced by a committee pursuant to
13 Rule 47.

14 (c) This rule may be suspended with respect to a particular bill
15 by approval of the Committee on Rules.

16 17 Reference of Bills to Committee

18
19 51. Except as otherwise provided in this rule, the Committee
20 on Rules shall refer each bill to a committee by a majority vote of
21 the membership of the committee, unless upon a motion the
22 Assembly, by an affirmative recorded vote of 41 or more
23 Members, shall refer it to some other committee. A motion to refer
24 a bill shall not be debatable, except as to the propriety of the
25 motion, and it shall not open the main question to debate.

26 The Committee on Rules may require that, if a bill is reported
27 out of the committee to which it has been referred, it shall be
28 re-referred to another committee that shares jurisdiction of the
29 subject matter of the bill.

30 31 Spot Bills

32
33 51.5. A bill that upon introduction makes no substantive
34 change in or addition to existing law, and would not otherwise
35 affect the ongoing operations of state or local government, except
36 a bill stating legislative intent to make necessary statutory changes
37 to implement the Budget Bill, may not be referred to a committee
38 by the Committee on Rules. If the author subsequently proposes
39 to the Committee on Rules to make substantive changes in the bill
40 as introduced, the Committee on Rules may refer the bill to a

1 committee, together with the proposed changes for consideration
2 as author's amendments. A vote on passage of the bill may not be
3 taken, however, until the bill with its amendments, if adopted, has
4 been in print for at least 15 days.

5
6 Delivery of Bills to State Printer
7

8 52. After introduction and first reading, all bills shall be
9 delivered to the State Printer.

10
11 Introduction of House Resolutions
12

13 53. All house resolutions shall be numbered and shall be
14 referred to the appropriate committee by the Committee on Rules.
15 Each house resolution shall be signed by each Member who is
16 an author or coauthor of the house resolution before it is
17 introduced.

18
19 Resolutions by Member
20

21 54. A concurrent resolution or a house resolution may be
22 introduced relating to a present or former state or federal elected
23 official or a member of his or her immediate family. Other
24 resolutions for the purpose of commendation or congratulation of
25 any person, group, or organization, or for the purpose of
26 expressing sympathy, regret, or sorrow on the death of any person,
27 shall be prepared as a Rules Committee Resolution and presented
28 to the committee for appropriate action.

29 The Committee on Rules may approve exceptions to this rule for
30 house resolutions. The Chief Clerk may not accept for introduction
31 any house resolution that is contrary to this rule unless it is
32 accompanied by the approval of the Committee on Rules.

33
34 B. Standing Committee Functions
35

36 Standing Committee Rules
37

38 55. Subject to the Joint Rules of the Senate and Assembly, the
39 Rules of the Assembly shall govern the conduct of all committee
40 and subcommittee meetings.

1 Meetings of Standing Committees and Subcommittees

2
3 56. All standing committees and subcommittees shall meet at
4 the hour and place provided by the schedule established by the
5 Speaker, unless permission for a different hearing time is granted
6 by the Speaker. No committee or subcommittee may meet during
7 any session of the Assembly, nor may any Member of the
8 Assembly attend a conference committee meeting on any bill
9 during any session of the Assembly without first obtaining
10 permission from the Assembly.

11 When an unscheduled meeting of a standing committee or
12 subcommittee has been so ordered, the meeting shall convene in
13 an area that is readily accessible to the public and the Assembly
14 shall take care that every effort is made to inform the public that
15 a meeting has been called. An unscheduled meeting of a committee
16 or subcommittee shall not be held in the Assembly Chamber.

17 No bill may be set for hearing, nor may any notice thereof be
18 published by any Assembly committee or subcommittee, until the
19 bill has been referred to the committee or subcommittee. Nothing
20 in this paragraph shall prevent a committee or subcommittee from
21 acting with regard to a bill referred to it where the only action taken
22 is to cause the bill to be reported to the Assembly with the
23 recommendation that amendments be adopted and the bill be
24 reprinted as amended and re-referred to the committee or
25 subcommittee.

26 The several standing committees and subcommittees and their
27 chairpersons may adopt a procedure under which bills are
28 scheduled for hearing on the basis of like subject matter groupings.

29
30 Committee Analyses

31
32 56.5. Except as otherwise provided in this rule, each standing
33 committee and subcommittee shall prepare an analysis of every
34 bill it has set for hearing, which shall be available to the public in
35 the office of the committee or subcommittee one working day prior
36 to the date on which the hearing is to be held. In the case of a special
37 meeting, or a meeting of the Committee on Appropriations or the
38 Committee on Budget, or their subcommittees, the analysis shall
39 be available to the public at the beginning of the hearing. No
40 question concerning a committee's compliance with this rule with

1 regard to any bill shall be in order following a vote on passage of
2 the bill in that committee. As used in this rule, a “working day”
3 is any day on which a house file is published.

4 A copy of each committee analysis shall be transmitted by the
5 committee secretary to the Assembly Floor Analysis Unit at the
6 same time it is made available to the public.

7
8 Committee Consultants: Floor Analyses
9

10 56.6. Except as otherwise provided in this rule, the
11 consultants of a standing committee or subcommittee are
12 responsible for monitoring bills assigned to their respective
13 committee or subcommittee throughout the entire legislative
14 process. Except for resolutions and bills on the Consent Calendar,
15 a consultant of the appropriate standing committee shall prepare,
16 in a timely fashion, an analysis of every bill on third reading or the
17 unfinished business file, and of any amendment to a bill that is on
18 the Assembly floor, as directed by the Assembly Floor Analysis
19 Unit.

20 The committee consultant who prepares the analysis shall
21 transmit a copy of the completed analysis to the Assembly Floor
22 Analysis Unit. The Assembly Floor Analysis Unit is responsible
23 for final editing for grammar and format of all floor analyses.

24
25 Consent Calendar
26

27 56.7. If the chairperson of a committee or subcommittee, in
28 advance of a hearing, proposes to recommend any bills for
29 consideration on the Consent Calendar without hearing testimony
30 on those bills in committee, a list of those bills shall be made
31 available to the public at the same time as the committee analysis
32 required under Rule 56.5.

33
34 Committee Quorum
35

36 57. Except as otherwise provided in this rule, a majority of the
37 membership of any standing committee shall constitute a quorum
38 for the transaction of its business, including the decision to
39 recommend the adoption of any amendments to any bill. A
40 majority of the membership of the committee, or a subcommittee

1 thereof, shall be required to report a bill out of the committee or
2 subcommittee, respectively. Any vacancy on a standing
3 committee shall not reduce the votes required to take action on a
4 bill in that committee.

5 Whenever a member is disqualified pursuant to Joint Rule 44 or
6 the Political Reform Act of 1974 (Title 9 (commencing with
7 Section 81000) of the Government Code) from voting or taking
8 any other action related to the passage, defeat, or amendment of a
9 bill in committee, that disqualification shall be treated the same as
10 a vacancy. The member shall advise the chairperson of a
11 disqualification, and the chairperson shall announce which
12 members are so disqualified at the commencement of the hearing
13 on the bill.

14 Reconsideration

15
16
17 57.1. After a committee has voted on a bill, reconsideration
18 may be granted only one time. Pursuant to subdivision (a) of Joint
19 Rule 62, reconsideration may be granted within 15 legislative days
20 or prior to the interim study joint recess, whichever occurs first. A
21 vote on reconsideration may not be taken without the same notice
22 required to set a bill for hearing unless that vote is taken at the same
23 meeting at which the vote to be reconsidered was taken and the
24 author is present. No action taken by a committee may be
25 reconsidered except by a majority vote of the membership of the
26 committee.

27 Bills Reported Back to Assembly

28
29
30 58. All committees shall act upon bills referred to them as
31 soon as practicable, and when acted upon each bill shall be
32 reported back to the Assembly forthwith; the chairperson of each
33 committee is charged with the observance of this rule. The
34 chairperson of each committee shall, insofar as practicable, report
35 back bills in the same order as they were acted upon by the
36 committee.

Appropriations Suspense File

58.2. The Committee on Appropriations may maintain a suspense file, to which bills may be referred by vote of a majority of the members of the committee present and voting, pending further consideration by the committee. A bill may be taken off the suspense file and heard, upon two days' notice published in the file, by a vote of a majority of the members of the committee present and voting. A bill removed from the suspense file for the purpose of amendment only, pursuant to Rule 68, shall be re-referred to the committee and shall be placed on the suspense file pending further consideration by the committee.

Voting in Committee

58.5. When a standing committee or subcommittee takes action on a bill, including reconsideration, the vote shall be by roll call vote only. All roll call votes taken in a standing committee or subcommittee shall be recorded by the committee secretary on forms provided by the Chief Clerk of the Assembly. The record of a roll call vote shall show, for each proposal voted upon: all votes for and against, all members absent, and all members not voting. The chairperson of each standing committee or subcommittee shall promptly transmit a copy of the record of the roll call votes to the Chief Clerk of the Assembly, who shall cause the votes to be published in an appendix to the Journal on a monthly basis.

The committee secretary of each standing committee or subcommittee shall promptly transmit a copy of the record of the roll call votes to the Assembly Floor Analysis Unit.

A member may submit a written explanation of his or her vote, absence, or failure to vote on any bill or resolution, and that explanation shall be printed in the appendix to the Journal in the appropriate place, provided that no explanation may exceed 50 words in length.

At the request of the author or any member of the committee, the committee shall hold the roll open on any Assembly bill until the adjournment of the committee meeting. At no time may a bill be passed out by a committee without a quorum being present.

This rule shall not apply to any of the following:

- (a) Adoption of author's amendments to a bill.

1 (b) Withdrawal of a bill from a committee calendar at the
2 request of an author.

3 (c) Return of bills to the house where the bills have not been
4 voted on by the committee.

5 (d) Votes of subcommittees of the Committee on Budget when
6 considering the Budget Bill.

7 (e) Votes of the Committee on Rules when referring bills to
8 committees.

9
10 Subject Matter of Bill Recommended for Interim Study
11

12 59. Whenever it is the decision of a standing committee that
13 a bill referred to that committee shall not be given a do-pass
14 recommendation, but that the subject matter of the bill should be
15 referred for study, that standing committee shall retain the bill in
16 its possession and report its recommendation to the Assembly that
17 the subject matter of the bill be referred to the Committee on Rules
18 for that committee's assignment of the subject matter to an
19 appropriate committee.

20 Nothing in this rule shall be construed to prohibit a committee
21 from subsequently reporting the bill to the Assembly with a
22 do-pass or do-pass as amended recommendation or from reporting
23 it out of committee without further action on the final day of the
24 session.

25
26 Committee Chairperson as Author
27

28 60. No chairperson of a standing committee shall preside at a
29 committee hearing to consider a bill of which he or she is the sole
30 author or the lead author, except that the Chairperson of the
31 Committee on Budget may preside at the hearing of the Budget
32 Bill by the Committee on Budget.

33
34 Reports of Committees
35

36 61. Specially prepared reports of standing and special
37 committees shall be delivered to the Chief Clerk or an assistant,
38 and shall be read and ordered printed in the Journal unless
39 otherwise ordered by the Speaker or a majority vote of the
40 Members present and voting.

1 When a report of a joint legislative committee is delivered to the
2 Assembly Desk, the Speaker shall refer it to a standing committee
3 for review and appropriate action.

4
5 Constitutional Amendments

6
7 62.5. All constitutional amendments shall be referred to the
8 policy standing committee having jurisdiction of that subject
9 matter and, upon being reported out of that committee, shall be
10 re-referred to the committee having constitutional amendments
11 within its jurisdiction.

12
13 C. Passage of Bills

14
15 Daily File

16
17 63. There shall be printed an Assembly Daily File for each
18 legislative day. The following listing shall constitute the order of
19 business on the Daily File:

- 20 1. Special Orders of the Day
21 2. Second Reading, Assembly Bills
22 3. Second Reading, Senate Bills
23 4. Unfinished Business
24 5. Third Reading, Assembly Bills
25 6. Third Reading, Senate Bills

26 All bills on the Daily File shall be called for consideration,
27 provided Rule 58 has been complied with in the order of their
28 listing, unless otherwise ordered by unanimous consent or an
29 affirmative vote of two-thirds of the Members present. All
30 scheduled committee hearings, together with the list of bills to be
31 heard, shall be published in the Daily File.

32
33 Copies of Bills for Action on Floor

34
35 64. No bill may be considered or acted upon on the floor of the
36 Assembly unless and until a copy of the printed bill as introduced,
37 and a printed copy of each amended form of the bill, have been
38 placed upon the desks of the Members.

Second Reading of Bills

66. All bills shall be read by title the second time in the order of their appearance upon the second reading file. Upon second reading, Assembly bills reported without amendments shall be ordered engrossed, and Senate bills reported without amendments shall be ordered to third reading. All bills reported out of committee shall be placed on the second reading file for the next legislative day, and may not be read a second time until the next legislative day under that order of business. As used in this rule, “bill” does not include a joint or concurrent resolution, but does include a constitutional amendment.

Bills Requiring General Fund Appropriation

66.6. Until the Budget Bill has been enacted, the Assembly may not send to the Governor for consideration any bill appropriating funds for expenditure during the fiscal year for which the Budget Bill is to be enacted, except emergency bills recommended by the Governor or appropriations for the salaries and expenses of the Legislature.

Passage of Budget Bill

66.7. (a) No subcommittee of the Committee on Budget may meet until the Chairperson of the Committee on Budget establishes in writing the General Fund appropriations limit for each subcommittee.

(b) Between the date upon which a committee on conference of the Budget Bill is appointed and the date the Assembly adopts the report of the conference committee, the Chairperson of the Committee on Budget shall provide weekly written reports to the Members on the progress of the conference committee deliberations. The weekly report shall detail all major resolved and outstanding issues before the conference committee on the Budget Bill.

No Budget Bill may be voted upon on the floor of the Assembly unless it does all of the following:

- (1) Balances expenditures with anticipated revenues.

(2) Provides for a General Fund reserve of not less than 3 percent of the total of all General Fund appropriations made in the Budget Bill for the fiscal year, or provides for a reserve of not less than 1 percent and a specific plan to phase in a reserve of at least 3 percent within three years. The percentage of the General Fund reserve shall be calculated by dividing the reserve of the General Fund by estimated revenues of the General Fund for the fiscal year. The phase-in plan shall be contained in another bill or in a section of the Budget Bill and shall have detail sufficient to instruct future sessions of the Legislature regarding the manner in which the 3 percent reserve requirement is to be met.

(3) Is based upon no external borrowing by the state other than borrowing that the enacted Budget Bill or other statute would require to be repaid during that fiscal year.

Committee Amendments

67. Committee amendments reported with bills shall be considered upon their second reading, and the amendments may be adopted by majority vote of the Members present and voting. Assembly and Senate bills amended on second reading by committee amendment shall be ordered reprinted and returned to the second reading file. Assembly bills so amended shall be engrossed after printing.

Committee amendments reported with bills shall be prepared, or approved as to form, by the Legislative Counsel. Five copies of the committee amendments to Assembly bills and five copies of the committee amendments to Senate bills shall be delivered to the Chief Clerk's desk.

The Chief Clerk shall cause to be transmitted to the Assembly Floor Analysis Unit a copy of each committee report and committee amendment, unless the committee report or committee amendment is relative to a joint, concurrent, or house resolution.

Adoption of amendments to any bill in the Assembly prior to third reading, other than by a roll call, shall not preclude subsequent consideration in committee, or on the third reading by the Assembly, of the bill, those amendments, or any part thereof.

Author's Amendments

68. Upon request of the author of a bill, the chairperson of the committee to which the bill has been referred may, by his or her individual action taken independently of any committee meeting, cause the bill to be reported to the Assembly with the recommendation that amendments submitted by the author be adopted and the bill be reprinted as amended and re-referred to the committee.

Notwithstanding any other rule, a bill to be amended pursuant to this rule may not be placed on the second reading file for the adoption of those amendments.

Vote on Passage of Bill as Amended

68.5. Except as otherwise provided in this rule, a vote on passage of any bill in a standing committee or subcommittee shall be taken only when the bill is in print, including any previously adopted amendments to the bill. A vote on passage of an amended bill, when the amended form of the bill is not in print, may be taken only if the sole effect of the amendment is to add coauthors to the bill or if the committee determines that the effect of the amendment upon the bill can be readily understood by all of the members and audience present at the hearing. In that circumstance, any member may require that the amendments be in writing at the time of their adoption.

Bill Analysis Prior to Third Reading

68.6. No bill may be considered on third reading unless and until an analysis of the measure has been distributed by the Assembly Floor Analysis Unit and placed upon the desks of the Members, unless otherwise ordered by the Speaker.

As used in this rule, "bill" does not include a joint or concurrent resolution, but does include a constitutional amendment.

Analysis of Conference Committee Amendments

68.7. No report of a conference committee on any bill, other than the Budget Bill, that recommends the substantive amendment

1 of a bill may be considered unless and until an analysis of the
2 proposed amendment has been distributed by the Assembly Floor
3 Analysis Unit and placed upon the desks of the Members, unless
4 otherwise ordered by the Speaker.

5
6 Printing of Conference Committee Reports
7

8 68.8. No conference report may be heard by the Assembly
9 until it has been in print for two days prior to being taken up by the
10 house.

11
12 Conference Committee: Substantial Policy Change
13

14 68.9. (a) No conference committee on any bill, other than the
15 Budget Bill or a bill that is making statutory changes to implement
16 the Budget Bill, may approve any substantial policy change in any
17 bill if that substantial policy change has been defeated in a policy
18 committee of the Assembly within the current legislative session.
19 For purposes of this rule, the most recent action of a policy
20 committee with regard to a substantial policy change shall be
21 deemed the only action taken when the policy committee has taken
22 inconsistent actions with respect to a substantial policy change.

23 (b) For purposes of subdivision (d) of Joint Rule 29.5, the term
24 “heard” means that a printed bill with substantially similar
25 language was before the appropriate committee and taken up at a
26 regular or special hearing of the committee during the current
27 legislative session; or that an amendment, which was drafted and
28 given a request number or approved as to form by the Legislative
29 Counsel, was before the committee and taken up at a regular or
30 special hearing of the committee.

31
32 Amendments From the Floor
33

34 69. (a) Any Member may move to amend a bill during its
35 second or third reading, and that motion to amend may be adopted
36 by a majority vote of the Members present and voting.

37 No amendments to a bill offered from the floor, except
38 committee amendments reported with bills, amendments offered
39 with a motion to amend and re-refer a bill to committee,
40 amendments deleting any number of words, or amendments

1 previously printed in the Journal, shall be in order unless and until
2 a copy of the proposed amendments has been placed upon the
3 desks of the Members. A copy of a bill that has been amended only
4 to add coauthors to the bill is not required to be placed upon the
5 desks of the Members if both the Speaker and Minority Leader
6 grant an exemption.

7 Amendments offered from the floor during a bill's second or
8 third reading shall be prepared, or approved as to form, by the
9 Legislative Counsel.

10 Before debate five copies of the proposed amendment to
11 Assembly bills, and five copies of the proposed amendments to
12 Senate bills, shall be delivered to the Chief Clerk's desk. One copy
13 of the proposed amendment shall be transmitted by the Chief Clerk
14 to the Assembly Floor Analysis Unit. Bills so amended upon
15 second or third reading shall be reprinted and re-engrossed. The
16 Chief Clerk shall order printed as many copies of all amended bills
17 as he or she may determine to be necessary.

18 (b) (1) Amendments from the floor during a bill's second or
19 third reading that would make a substantive change in the bill shall
20 be submitted to the Chief Clerk's desk by 5:00 p.m. or the time of
21 adjournment, whichever is later, the business day before the start
22 of session on the legislative day at which they are to be considered.

23 (2) Upon receipt of the proposed amendments by the Chief
24 Clerk, an analysis shall be prepared by the committee of origin in
25 conjunction with the Assembly Floor Analysis Unit, and a copy of
26 that analysis shall be distributed to each Member's desk prior to the
27 beginning of debate on adoption of the proposed amendments,
28 unless otherwise ordered by the Speaker.

29 (3) As used in this subdivision, "bill" does not include a joint
30 or concurrent resolution, but does include a constitutional
31 amendment.

32 (c) Paragraph (1) of subdivision (b) does not apply to (1)
33 amendments to a bill taken up without reference to file, (2)
34 amendments to a bill to add or delete an urgency clause, (3)
35 amendments to a bill that are identical to other amendments
36 submitted to the Chief Clerk's desk in accordance with the
37 requirements of this rule, (4) amendments to the Budget Bill or to
38 a bill that is making statutory changes necessary to implement the
39 Budget Bill, or (5) amendments to a bill to make the bill contingent
40 upon the enactment of another bill, or to incorporate one or more

1 statutory amendments proposed in another bill to avoid
2 superseding those amendments.

3 (d) Any bill amended on the second or third reading file shall
4 be ordered reprinted and returned to the third reading file, and may
5 not be acted on by the Assembly until the bill, as amended, has
6 been on the Daily File for one calendar day. This subdivision shall
7 not apply to a bill that is amended to add or delete an urgency
8 clause or to a bill that is amended to make statutory changes to
9 implement the Budget Bill.

10 (e) No motion to amend a bill on the second or third reading
11 file, other than committee amendments reported pursuant to Rule
12 57, shall be in order on (1) the last two legislative days preceding
13 the January 31 bill passage deadline specified by Section 10 of
14 Article IV of the California Constitution or (2) the last three
15 legislative days preceding the scheduled commencement of the
16 interim study recess or the scheduled commencement of the final
17 recess as specified by the Joint Rules of the Senate and Assembly.
18 Paragraph (2) may be suspended temporarily by two-thirds vote of
19 the Members present and voting.

20
21 Consideration of Political Reform Act Bills
22

23 69.1. Pursuant to Section 81012 of the Government Code, any
24 bill that would amend the Political Reform Act of 1974 (Title 9
25 (commencing with Section 81000) of the Government Code) may
26 not be passed until, 12 days prior to being considered for passage,
27 the bill in its final form has been delivered by the Chief Clerk to
28 the Fair Political Practices Commission for distribution to the
29 news media and to every person who has requested the
30 commission to send a copy of any such bill to him or her.

31
32 Electronic Distribution of Bills, Conference Reports,
33 Amendments, and Analyses
34

35 69.5. Subject to subdivision (b) of Section 8 of Article IV of
36 the California Constitution, any requirement that bills, conference
37 reports, amendments, or an analysis be placed on the desks of the
38 Members shall include electronic distribution of the same
39 information to the desk of the Members through the Assembly
40 Floor System, unless otherwise ordered by the Speaker.

1 Consideration of Bills Re-referred to Committee

2
3 70. Whenever a bill that has been amended and re-referred to
4 committee is reported out by that committee, it shall be placed on
5 the second reading file and may not be transferred therefrom to the
6 third reading file until the following day.

7
8 Uncontested Bills

9
10 71. No bill may be placed on the Assembly Consent Calendar
11 unless it has met the requirements of Joint Rule 22.1 with respect
12 to each Assembly standing committee to which the bill has been
13 referred.

14
15 Consideration of Concurrent and Joint Resolutions

16
17 73. A concurrent or joint resolution may be amended by a
18 majority vote of the Members present and voting. The ayes and
19 noes may not be called upon the adoption of concurrent
20 resolutions, except those authorizing expenditures of money,
21 unless regularly demanded, or required by statute or the California
22 Constitution.

23
24 Adoption of Resolutions

25
26 74. Any resolution upon which a roll call vote is demanded
27 shall require an affirmative recorded vote of 41 or more Members
28 for adoption.

29 The adoption of any resolution authorizing the expenditure of
30 money shall require an affirmative recorded vote of 41 or more
31 Members.

32
33 Printing of Resolutions

34
35 75. When any previously printed house resolution is before
36 the Assembly for adoption, it shall be printed in the Journal only
37 if amendments to it have been adopted, in which case it shall be
38 printed as amended. In the absence of those amendments, house
39 resolutions before the Assembly for adoption shall be referred to
40 by day and page of the Journal as printed upon introduction. For



1 the purposes of this rule, the adding of a coauthor shall not be
2 deemed an amendment.

3
4 Concurrency in Senate Amendments
5

6 77. It shall require the same affirmative recorded vote to
7 concur in any Senate amendment to an Assembly bill as the vote
8 required by the California Constitution for the passage of the bill.
9 A vote on concurrence may not be taken until the bill has been on
10 the unfinished business file for one calendar day, except that when
11 the bill is placed upon the unfinished business file during the last
12 two legislative days preceding (1) the January 31 bill passage
13 deadline specified by Section 10 of Article IV of the California
14 Constitution, (2) the scheduled commencement of the interim
15 study recess, or (3) the scheduled commencement of the final
16 recess as specified by the Joint Rules of the Senate and Assembly,
17 it may be acted upon immediately. The vote on concurrence shall
18 be deemed the vote upon final passage of the bill.

19 Senate amendments to Assembly bills may not be concurred in
20 unless and until an analysis of the measure has been distributed by
21 the Assembly Floor Analysis Unit and a copy placed upon the
22 desks of the Members, unless otherwise ordered by the Speaker.
23 As used in this rule, “bill” does not include a joint or concurrent
24 resolution, but does include a constitutional amendment.

25
26 Digest of Bills Amended in Senate
27

28 77.1. Whenever the Senate amends and passes an Assembly
29 bill, the Legislative Counsel shall, within one day after the bill is
30 passed by the Senate, prepare and transmit to the Chief Clerk and
31 the Speaker a brief digest summarizing the effect of the Senate
32 amendment. Upon receipt from the Legislative Counsel, the Chief
33 Clerk shall cause the digest to be printed in the Daily File
34 immediately following any reference in the file to the bill covered
35 by the digest.

36
37 Substantially Amended Bills
38

39 77.2. If the analysis of an amendment adopted on the floor
40 discloses that the amendment makes a substantial substantive

1 change to a bill as passed by the last committee of reference, the
2 bill, as amended, may be referred by the Speaker to the appropriate
3 committee.

4 A bill that was previously reported from a policy or fiscal
5 committee of reference in compliance with Joint Rule 61 is not
6 subject to the deadlines in Joint Rule 61 if the bill is subsequently
7 referred to a policy or fiscal committee pursuant to this rule.

8 If the digest to an Assembly Bill that has been returned to the
9 Assembly by the Senate for concurrence in Senate amendments
10 discloses that the Senate has made a substantial substantive change
11 in the bill as first passed by the Assembly, the bill may be referred
12 by the Speaker to the appropriate committee.

13 14 Inactive File

15
16 78. Whenever a bill has been passed twice on the third reading
17 file on two successive legislative days, it shall be placed forthwith
18 upon a special file to be known as the inactive file. A bill also may
19 be placed on the inactive file at the request of the author. When a
20 bill has been placed on the inactive file, it may be returned to the
21 third reading file by request of the author. Notice of the request to
22 return the bill to the third reading file shall be published one day
23 in advance in the Assembly File. The bill, when returned to the
24 third reading file, shall then be placed at the foot of the third
25 reading file.

26 When a bill, placed on the inactive file from the second reading
27 file or the unfinished business file, is removed from the inactive
28 file, it shall be returned to the foot of the second reading file or the
29 unfinished business file, respectively, in the next published Daily
30 File.

31 32 Engrossing and Enrolling Bills

33
34 79. The Engrossing and Enrolling Clerk shall engross and
35 enroll all bills that come to his or her hands for that purpose, in
36 compliance with the provisions of Section 9503 of the
37 Government Code, and in the order of time in which the same shall
38 be acted upon by the Assembly.

39 After final passage by both houses, any Assembly bill not
40 amended by the Senate shall be ordered by the Speaker forthwith



1 to be enrolled, as provided in Sections 9508 and 9509 of the
2 Government Code. The Chief Clerk shall report both the day and
3 hour each enrolled bill is presented to the Governor, which report
4 shall be entered in the Journal.

5
6 VI. PARLIAMENTARY PROCEDURE

7
8 A. Motions and Questions

9
10 Precedence of Motions During Debate

11
12 80. When a question is under debate or before the Assembly,
13 no motions shall be received but the following, which shall take
14 precedence in the order named:

- 15 First—To adjourn;
16 Second—To recess to a time certain;
17 Third—To lay on the table;
18 Fourth—For the previous question;
19 Fifth—To set as a special order;
20 Sixth—To postpone indefinitely;
21 Seventh—To refer to or to re-refer;
22 Eighth—To amend.

23
24 Questions of Order Decided Without Debate

25
26 81. All incidental questions of order, arising after a motion is
27 made for any of the questions named in Rule 80 and pending that
28 motion, shall be decided by the Speaker without debate, whether
29 on appeal or otherwise.

30
31 Appeal From Decision of the Speaker

32
33 82. Any Member may appeal from a decision of the Speaker
34 without waiting for recognition by the Speaker, even though
35 another Member has the floor. No appeal is in order when another
36 is pending, or when other business has been transacted by the
37 Assembly prior to the appeal being taken. Upon the appeal being
38 seconded, the Speaker may give his or her reasons for the decision,
39 and the Member making the appeal may give his or her reasons for

1 the appeal, and the Speaker forthwith shall put one of the following
2 questions to the Assembly:

3 (1) “Shall the decision of the Speaker be sustained?”

4 (2) “Shall the decision of the Speaker be overruled?”

5 An appeal cannot be amended and yields only to a motion to
6 recess or adjourn, or to lay on the table, or a question of personal
7 privilege. If an appeal is laid on the table, that action shall have no
8 effect on the pending question.

9 An appeal cannot be debated when relating to indecorum, the
10 transgression of rules, or the priority of business. A majority vote
11 of the Members present and voting shall decide any appeal. In the
12 event of a tie vote, the appeal is lost.

13 Speaker Explains Order of Business

14
15
16 83. The Speaker may, on his or her own motion or the motion
17 of any Member, explain the order of business when the motion
18 pending before the Assembly is not debatable. That explanation
19 may not consume more than two minutes.

20 To Adjourn

21
22
23 84. A motion to adjourn is not debatable and cannot be
24 amended, and is always in order, except: (a) when another
25 Member has the floor; (b) when the Assembly is voting; or
26 (c) during a call of the Assembly. The name of any Member
27 moving an adjournment, and the hour at which the motion was
28 made and adjournment taken, shall be entered in the Journal. A
29 motion to adjourn shall be adopted by a majority vote of the
30 Members present and voting.

31 When a motion to adjourn is made and seconded, it shall be in
32 order for the Speaker, before putting the question, to permit any
33 Member to state to the Assembly any fact relating to the condition
34 of the business of the Assembly which would seem to render it
35 improper or inadvisable to adjourn. That statement may not
36 occupy more than two minutes and is not debatable.

37 An affirmative recorded vote of a majority of the duly elected
38 and qualified Members is required to adjourn any session of the
39 Assembly sine die.

To Recess to a Time Certain

85. A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that the motion is debatable when no business is before the Assembly, and can be amended as to the time and duration of the recess. It yields only to a motion to adjourn.

To Lay on the Table

86. A motion to lay on the table is not debatable and cannot be amended.

A motion to table a bill, constitutional amendment, or concurrent or joint resolution is adopted by an affirmative recorded vote of 41 or more Members.

Any motion to lay on the table, if carried by 41 or more votes, carries with it the main question and everything that adheres to it, except that a motion to lay an amendment on the table, if adopted, does not carry with it a bill, constitutional amendment, or concurrent, joint, or house resolution.

A motion to lay an amendment on the table is adopted by a majority vote of the Members present and voting.

A motion to lay on the table cannot be applied with respect to reconsideration.

The Previous Question

87. The previous question shall be put only when demanded by five Members, and its effect, when sustained by a majority vote of the Members present and voting, shall be to put an end to all debate and bring the Assembly to a vote only on the question then pending, except that the proponent of the matter pending shall be allowed not more than five minutes to close the debate.

Motion to Set Special Order

88. A motion to set any matter before the Assembly as a special order of business is adopted by an affirmative recorded vote of 54 or more members. The motion is debatable only as to

1 the propriety of setting the main question as a special order of
2 business, and may be amended only as to the time.

3
4 Motion to Postpone to a Time Certain

5
6 89. A motion to postpone to a time certain shall be deemed and
7 treated as a motion to set as a special order.

8
9 Motion to Postpone Indefinitely

10
11 90. The making of a motion to postpone indefinitely any bill,
12 motion, or amendment opens the main question to debate. If the
13 motion to postpone indefinitely prevails by an affirmative
14 recorded vote of 41 or more Members, the main question may not
15 be acted upon again during the session.

16
17 Motion to Amend

18
19 91. A motion to amend may itself be amended, but no
20 “amendment to an amendment” may be amended. A motion to
21 substitute shall be deemed to be a motion to amend and shall be
22 considered the same as an amendment.

23 Only one substitute is in order when an amendment is pending.
24 A motion to amend or to substitute is debatable, except where the
25 main question to be amended is not debatable. Any motion to
26 amend may be adopted by a majority vote of the Members present
27 and voting.

28 A motion to amend that is decided in the negative is not again
29 in order on the same day, or at the same stage of proceeding. The
30 fact that a motion to amend by striking out certain words is decided
31 in the negative does not preclude a motion to amend by adding
32 words, or a motion to amend by striking out and inserting words,
33 except that in no case may a further amendment be substantially
34 the same as the one rejected.

35 Subject to the above provisions of this rule and Rule 69, a
36 motion to amend is in order during the second or third reading of
37 any bill.

Amendment To Be Germane

92. No amendment to any bill, other than a bill stating legislative intent to make necessary statutory changes to implement the Budget Bill, whether reported by a committee or offered by a Member, is in order when the amendment relates to a different subject than, is intended to accomplish a different purpose than, or requires a title essentially different than, the original bill.

No motion or proposition on a subject different from that under consideration may be admitted as an amendment.

No amendment is in order that changes the original number of any bill.

No Member may be added or deleted as an author or coauthor of a bill or resolution without his or her consent.

Consideration of Motions

93. No motion, whether oral or written, may be adopted until it is seconded and distinctly stated to the Assembly by the Speaker.

Motions in Writing

94. Upon request of the Speaker, all motions shall be reduced to writing and shall be read to the Assembly by the Speaker before being acted upon.

Withdrawal of Motions

95. After a motion is stated by the Speaker, or a bill, resolution, or petition is read by the Chief Clerk, it is in the possession of the Assembly.

Motion to Withdraw or Re-refer Bills

96. (a) A motion to withdraw a bill or resolution from committee, or to re-refer a bill or resolution from one committee to another committee, may be made during the regular order of business. A motion to re-refer may be debated only as to the

propriety of the reference, and shall require an affirmative recorded vote of 41 or more Members.

(b) No bill or resolution may be withdrawn from committee and placed upon the file, unless a motion to withdraw has been heard by, and has been approved by a majority vote of, the Committee on Rules. This subdivision does not apply to a bill in a fiscal committee that has been amended so as not to require its reference to a fiscal committee, as indicated by the Legislative Counsel's Digest.

(c) A motion to continue a motion to withdraw a bill or resolution from committee shall require a majority of those members present and voting. No motion to withdraw a motion to withdraw shall be in order.

Re-reference of Measures on File

97. A motion to re-refer a bill or resolution that is on the Assembly Daily File to committee may be made during the regular order of business. The motion is debatable only as to the propriety of that reference and shall require an affirmative recorded vote of 41 or more Members.

Bills Stricken From File

98. A motion to strike from the file any bill or resolution requires an affirmative recorded vote of 41 or more Members. That bill or resolution may not be acted upon again during the session.

Motion to Rescind Action or Expunge Record

99. Previous to the approval of the Journal by the Assembly, any action may be rescinded and its record ordered expunged by the affirmative recorded vote sufficient to take that action originally, except that no action may be rescinded and the record expunged by a vote less than an affirmative recorded vote of 41 or more Members. No motion to rescind the action and expunge the record may be made twice on the same proposition.

A motion to rescind is not in order on any matter upon which a vote to reconsider has previously been taken in the Assembly.

1 Whenever any action of the Assembly is rescinded and its record
2 ordered expunged, the record of the action expunged may not
3 appear in any form whatsoever, except that the record of the
4 proceedings on the motion to rescind and expunge shall appear in
5 the Journal as and when printed.

6
7 Reconsideration of Vote
8

9 100. (a) A motion to reconsider a vote on the next legislative
10 day shall be made on the same day the vote to be reconsidered was
11 taken. No motion to reconsider shall be adopted unless it receives
12 an affirmative recorded vote of 41 or more Members. A motion to
13 reconsider may be voted on without a second.

14 A motion to reconsider a vote shall be made by a Member voting
15 on the question, and shall take precedence over all motions, except
16 a motion to adjourn. Upon that motion being made, the matter to
17 be reconsidered forthwith shall be placed upon the unfinished
18 business file, and no further action may be taken prior to the next
19 legislative day. When a motion to reconsider has once been made,
20 the motion is the property of the Assembly. When reconsideration
21 is granted, the matter to be reconsidered shall be before the
22 Assembly in the same status it had prior to the vote being
23 reconsidered.

24 (b) (1) Interim Study Recess:

25 No motion to reconsider the vote whereby amendments are
26 concurred in on Assembly bills, the vote whereby a Senate bill is
27 passed and returned to the Senate, or the vote whereby a
28 conference committee report is adopted is in order on the last two
29 legislative days preceding the interim study recess.

30 A motion to reconsider the vote whereby amendments are
31 refused concurrence on Assembly bills, the vote whereby Senate
32 bills are refused passage, or the vote whereby a conference
33 committee report is refused adoption is in order on the last
34 legislative day preceding the interim study recess. The motion may
35 be taken up before the end of that legislative day.

36 As used in this paragraph, “bill” does not include a joint or
37 concurrent resolution.

38 (2) January 31—Even-numbered Year:

1 No motion to reconsider the vote whereby an Assembly bill is
2 passed to the Senate is in order on the last two legislative days
3 preceding January 31 of the even-numbered year.

4 A motion to reconsider the vote whereby an Assembly bill is
5 refused passage on its third reading is in order on the last legislative
6 day preceding January 31 of the even-numbered year. The motion
7 shall be taken up before the end of that legislative day.

8 As used in this paragraph, “bill” does not include a Senate bill,
9 a constitutional amendment, or a joint or concurrent resolution.

10 (3) Spring or Summer Recess:

11 No motion to reconsider the vote whereby a bill is passed is in
12 order on the last two legislative days preceding the Spring or
13 Summer Recess as established by the Joint Rules of the Senate and
14 Assembly.

15 (4) Deadline for Passage by House:

16 No motion to reconsider the vote whereby an Assembly bill is
17 passed to the Senate is in order on the last two legislative days
18 preceding the last day for the Assembly to pass a bill introduced
19 in the Assembly, as set forth in the Joint Rules of the Senate and
20 the Assembly.

21 As used in this paragraph, “bill” does not include a Senate bill,
22 a constitutional amendment, or a joint or concurrent resolution.

23 (5) Final Recess:

24 No motion to reconsider the vote whereby a bill is passed is in
25 order on the last two legislative days preceding the final recess.

26 A motion to reconsider the vote whereby a bill is defeated is in
27 order on the day of the final recess. The motion shall be taken up
28 before the end of that legislative day.

29 (c) Any Member voting on any matter may move to take up on
30 the same day the motion, previously made by another Member, to
31 reconsider the vote on that matter. A motion to take up on the same
32 day a motion to reconsider the vote on a bill shall require an
33 affirmative recorded vote of at least 41 Members. A motion to take
34 up on the same day a motion to reconsider the vote on any motion,
35 amendment, Assembly resolution, or proposition other than a bill
36 shall require an affirmative vote of a majority vote of the Members
37 present and voting. The motion to take up the reconsideration on
38 the same day shall take precedence over the motion to reconsider
39 and, upon demand of any Member, the motion to take up the
40 reconsideration on the same day shall be put to an immediate vote.



1 If the motion to take up the reconsideration on the same day is
2 adopted, the motion to reconsider shall be the next order of
3 business before the Assembly.

4 (d) A second motion to reconsider the same question is not in
5 order, nor is a motion to reconsider reconsideration in order.

6 (e) A motion to continue a motion to reconsider shall require
7 a majority vote of those Members present and voting.

8
9 Call of Assembly

10
11 101. After the roll has been called, and prior to the
12 announcement of the vote, any Member may move a call of the
13 Assembly. The Members present may order a call of the Assembly
14 by a majority vote of the Members present and voting, and the
15 Speaker shall immediately order the Sergeant at Arms to lock all
16 doors and direct the Chief Clerk to prepare a list of absentees as
17 disclosed by the last roll call. The list of absentees shall be
18 furnished to the Sergeant at Arms, whereupon no Members shall
19 be permitted to leave the Assembly Chamber except by written
20 permission of the Speaker, and no person may be permitted to enter
21 except Members, Senators, or officers, or employees of the
22 Legislature in the official performance of their duties.

23 Each Member who is found to be absent, and for whom no leave
24 of absence has been granted, shall be forthwith taken into custody
25 wherever found by the Sergeant at Arms, his or her assistants, or
26 any person designated by the Sergeant at Arms, including
27 members of the California Highway Patrol, and sheriffs or their
28 deputies, and brought to the Assembly Chamber.

29 No recess or adjournment may be taken during a call of the
30 Assembly. Additional business may be conducted and calls placed
31 regardless of the number of calls in effect. A call of the Assembly
32 may be dispensed with at any time upon a majority vote of the
33 Members present, that action to become effective upon the
34 completion of the roll call and the announcement of the vote upon
35 the matter for which the call was ordered, unless, prior to the
36 announcement of the vote, the call is continued by a majority vote
37 of the Members present.

Division of Question

102. Any Member may call for a division of the question, and the Speaker shall order the question divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition would remain for the decision of the Assembly. This rule does not apply to an individual bill or resolution.

B. Voting

Members Voting

104. Every Member in the Assembly Chamber when a roll call is required shall record his or her vote openly and without debate, unless the Assembly excuses that member by a majority vote of the Members present and voting.

No Member may operate the voting switch of any other Member, except that a Member presiding at the time of a roll call, who is not the Speaker or the Speaker pro Tempore, may direct another Member on the floor to operate the voting switch of the presiding Member, and any Member so presiding, including the Speaker and the Speaker pro Tempore, may also operate the voting switches at the rostrum of the Speaker and the Speaker pro Tempore, at their direction.

The name of any Member who refuses to vote as required by this rule, after being requested by the Speaker to do so, shall be entered in the Journal, together with a statement that he or she was present and did so refuse to vote. Any Member who refuses so to vote may, if he or she so desires, and immediately after the announcement of the vote, submit a written explanation of the failure to vote and that explanation shall be printed in the Journal, provided that no explanation may exceed 50 words in length.

In addition to the entry of his or her name in the Journal, any Member who refuses so to vote when required, and who has not been excused from doing so, may, immediately after the announcement of the vote, at the discretion of the Speaker or upon demand of any Member, be summoned to appear before the bar of the Assembly for public censure by the Speaker or by any Member designated by the Speaker. Censure of a Member as provided by

1 this rule does not constitute a bar to proceedings for his or her
2 expulsion from the Assembly pursuant to Section 5 of Article IV
3 of the California Constitution.

4 A Member may submit a written explanation of his or her vote
5 on any bill or house resolution, and that explanation shall be
6 printed in the Journal immediately following the vote, provided
7 that no explanation may exceed 50 words in length.

8 A Member, prior to adjournment on the same legislative day, in
9 the absence of any objection, may instruct the Chief Clerk to add
10 his or her vote to any previously announced vote that had been
11 taken during his or her absence, so long as the outcome of the vote
12 is not thereby changed. The Chief Clerk shall record any vote
13 additions or vote changes in the order signed by the Members at
14 the Clerk's desk.

15
16 Ayes and Noes
17

18 105. The ayes and noes shall be recorded by the electrical
19 voting system on the final passage of all bills, when an affirmative
20 recorded vote of 41 Members or any vote above that number is
21 required, when demanded by three Members, or when ordered by
22 the Speaker. The names of the Members so voting shall be entered
23 in the Journal.

24
25 Voting and Vote Changes
26

27 106. When once begun, voting may not be interrupted, except
28 that, before the vote is announced, any Member may have the total
29 pending vote flashed on the visible vote recorder. Prior to the
30 announcement of the vote, the presiding officer shall instruct the
31 Chief Clerk to record verbal votes from Members not at their
32 desks. Any Member may move a call of the Assembly after the
33 completion of the roll. A Member, prior to adjournment on the
34 same legislative day, and in the absence of any objection, may
35 instruct the Chief Clerk to change his or her recorded vote after the
36 vote is announced, so long as the outcome of the vote is not thereby
37 changed. The Chief Clerk may record any vote change only after
38 the Member making the change has announced it to the Assembly.
39

Tie Vote

107. In case of an equal division, or tie vote, the question shall be lost.

VII. MEMBERS' DECORUM AND PRIVILEGES

Order in Speaking to Questions

108. When a Member desires to address the Assembly, the Member shall rise from his or her seat and respectfully address himself or herself to "Mr. Speaker" or "Madame Speaker." Upon being recognized, the Member may speak, confining himself or herself to the question under consideration. When two or more Members rise at the same time, the Speaker shall designate the Member who is entitled to the floor.

No Member may speak more than once during the consideration of any one question on the same day and at the same stage of proceeding, except that the author of a bill or resolution or the mover of a question shall have the right to open and close the debate thereon. No Member may be allowed to speak more than five minutes to open and five minutes to close the debate on any question, including amendments, and no Member other than the author or the mover of the question may be allowed to speak more than five minutes thereon. No Member may yield to any other Member the time for which he or she is entitled to speak on any matter.

Motions

109. When a Member desires to make a motion, the Member shall obtain recognition as provided in Rule 108. Upon being recognized, the Member shall open by stating his or her motion, except in the case of a nomination, and in any other case may not speak to the merits of the motion at that time, but shall confine his or her remarks to those necessary to explain the motion. If the motion is in order and is seconded, it shall be stated to the Assembly by the Speaker. If the motion is debated, the Member who made it shall then be entitled to recognition to open the debate on the motion.

1 When a Member obtains the floor during debate upon any
2 question that is pending before the Assembly and addresses the
3 Assembly regarding the merits of the pending question, the
4 Member may not be permitted to conclude his or her debate by
5 making any motion or by demanding the previous question.

6
7 Leave of Absence
8

9 110. No Member may absent himself or herself from
10 attendance at any session of the Assembly without leave of the
11 Assembly. No Member may obtain that leave of absence or be
12 excused for nonattendance except by a vote of 54 or more
13 Members or by unanimous consent. A Member who obtains a
14 leave of absence for personal business, or is excused for
15 nonattendance for personal business, thereby waives his or her per
16 diem allowance for attendance upon any session of the Legislature
17 for which he or she secures that leave of absence or excuse. A
18 Member may not obtain a leave of absence for legislative business
19 or be excused for nonattendance for legislative business unless the
20 Member has filed with the Speaker a statement of the legislative
21 business for which he or she seeks that leave of absence or excuse.
22 That statement shall be printed in the Journal.

23 If a Member is not recorded on the attendance roll within 30
24 minutes after the scheduled start of the session, the Member shall
25 stand up before the Assembly and explain the reason he or she is
26 late before he or she is recorded on the roll call for any vote. If a
27 Member does not explain his or her reason for being late, any other
28 Member may raise a point of order under this rule, whereupon the
29 tardy Member's vote may not be recorded until an explanation is
30 made.

31
32 Personal Privilege
33

34 111. Any Member may rise to explain a matter of personal
35 privilege. A matter of personal privilege is a matter involving the
36 Member's integrity, dignity, or honor. Upon rising to explain such
37 a matter, the Member forthwith shall be recognized by the Speaker,
38 but may not discuss a question in that explanation. Matters of
39 personal privilege yield only to a motion to recess or adjourn.
40

1 Objection to Reading of Any Paper

2
3 112. Any Member, upon recognition by the Speaker, may
4 object to the reading of any paper before the Assembly. When that
5 objection is made, the question of reading shall be determined
6 without debate by a majority vote of the Members present and
7 voting, upon a brief statement by the Speaker of the substance of
8 the objection.

9
10 Members at Chief Clerk's Desk

11
12 113. No Member or other person may be allowed at the Chief
13 Clerk's desk while the ayes and noes are being recorded or the
14 votes counted.

15
16 Members Called to Order for Transgressing Rules

17
18 114. If any Member transgresses the Rules of the Assembly,
19 the Speaker shall, or any Member may, call the offending Member
20 to order. The Member so called to order immediately shall take his
21 or her seat, until the Speaker, without debate, has determined
22 whether the Member is in order. That decision by the Speaker shall
23 be subject to an appeal to the Assembly.

24 If any Member is called to order for offensive words spoken in
25 debate, the person calling him or her to order shall state to the
26 Assembly the words to which exception is taken. No Member may
27 be held to answer, or be subject to censure by the Assembly, for
28 language used in debate if other business has been transacted by
29 the Assembly prior to exception being taken to the words spoken.

30
31 VIII. MISCELLANEOUS

32
33 Committee of the Whole

34
35 115. The Assembly may resolve itself into a Committee of the
36 Whole at any time by a majority vote of the Members present and
37 voting. While sitting as that committee, persons other than
38 Members may address the committee. The Speaker of the
39 Assembly, or any Member named by the Speaker, shall preside as
40 Chairperson of the Committee of the Whole.

1 A motion that the Committee of the Whole “do now rise and
2 report back to the Assembly,” shall always be in order and shall
3 be decided without debate. All actions of the Committee of the
4 Whole shall be reported to the Assembly by the chairperson, but
5 may not be entered in the Journal except upon motion and a
6 majority vote of the Members present and voting.

7
8 Use of Assembly Chamber
9

10 116. The Assembly Chamber may not be used for any public
11 or private business, other than legislative matters, except upon
12 approval of the Speaker or the Chair of the Committee on Rules.
13

14 Use of Assembly Facilities: Smoking
15

16 117. The smoking of tobacco products is prohibited within
17 any building, or portion of a building, occupied or used by
18 Assembly Members or employees if the building or portion of the
19 building is under the jurisdiction or control of the Assembly. This
20 smoking prohibition shall apply to any outdoor area within five
21 feet of an entrance or exit to any building or portion of a building
22 subject to this rule. This smoking prohibition shall apply to the
23 Assembly Chamber, Assembly hearing rooms, and Assembly
24 offices, and to hallways, stairways, and bathrooms within any
25 building or portion of a building subject to this rule.
26

27 Floor of the Assembly: Telephones
28

29 117.5. No cellular telephone may be used on the floor of the
30 Assembly during any session of the Assembly.
31

32 Meeting of the Assembly: Firearms
33

34 117.7. No person, except a peace officer acting within the
35 scope of his or her employment, may carry or possess a firearm on
36 the floor of the Assembly during any session of the Assembly or
37 in a committee hearing room during any meeting of a committee
38 or subcommittee.
39

Persons Admitted to Floor of the Assembly

118. No person other than Members of the Legislature, officers, employees of the Legislature, accredited members of the press, and guests may be admitted to the floor of the Assembly during any session of the Assembly. A guest of any Member may be admitted only upon presentation of a guest card of the Member countersigned by the Speaker. A guest card is valid only on the legislative day for which it is issued. No lobbyist, as defined by Section 82039 of the Government Code, may, under any circumstances, be admitted to the Assembly Chamber while the Assembly is in session.

Persons admitted to the Assembly Chamber, other than Members, may not be permitted to stand in the lobby in the rear of the Assembly Chamber while the Assembly is in session, but shall be required to occupy the seats provided for them.

Guests may be seated only in the chairs in the back of the rail in the rear of the Assembly Chamber, and may not be permitted to sit at the desks of the Members. No person other than an accredited newspaper representative may be permitted to sit at the press desks. A special section in the balcony may be reserved for those holding guest cards. Neither any person mentioned in this rule nor any other person, except a Member of the Legislature, may engage in influencing the passage or defeat of legislation in the Assembly Chamber.

No person other than a Member of the Legislature, the Sergeant at Arms or his or her assistants, the Chief Clerk or his or her assistants, or the Legislative Counsel or his or her representatives, may be permitted in the area of the floor of the chamber which is occupied by the desks of the Members.

Qualifications and Elections of Members

119. An affirmative vote of 41 or more Members shall be required to determine the qualifications and election of any Member pursuant to Section 5 of Article IV of the California Constitution. No motion to disqualify a Member is in order at the convening of a legislative session until a Speaker has been elected in accordance with Section 9023 of the Government Code.

1 Compensation and Expenses of Member Convicted of Felony

2
3 120. If a Member of the Assembly is convicted of a felony by
4 a superior court, his or her right to further compensation or
5 expenses is thereupon suspended, and his or her membership on
6 any committee is thereupon suspended. If the conviction becomes
7 final, the right of the Member to further compensation or expenses
8 shall terminate and any compensation or expenses withheld shall
9 be forfeited to the state. If the conviction is reversed by an
10 appellate court or a motion for a new trial is granted, and the
11 Member is thereafter found not guilty or the charges against him
12 or her are dismissed, the amounts of the withheld compensation or
13 expenses shall be paid to the Member and the suspension of his or
14 her committee membership shall terminate.

15 Whenever a Member is convicted of a felony in the superior
16 court, the Committee on Rules shall give written notice thereof to
17 the Controller, directing him or her to discontinue any further
18 payments to the Member unless and until the Committee on Rules
19 notifies the Controller that the Member has been found not guilty
20 or that the charges against him or her are dismissed. The Controller
21 may not draw any warrant payable to that Member except as
22 provided in this rule.

23
24 The Seal of the Assembly

25
26 121. The Seal of the Assembly may be used only by or on
27 behalf of a Member of the Assembly, or when specifically
28 authorized by the Committee on Rules.